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APPENDIX

Supreme Court, U. S.
FILED

FEB 23 1973

MICHAEL R. DAK, JR., CLERK

In the Supreme Court of the United States

OCTOBER TERM, 1972

No. 72-656

ORVAL C. LOGUE, ET AL.,

Petitioner,

VS.

UNITED STATES OF AMERICA,

Respondent.

**ON WRIT OF CERTIORARI TO THE UNITED STATES COURT
OF APPEALS FOR THE FIFTH CIRCUIT**

**PETITION FOR CERTIORARI FILED OCTOBER 28, 1972
CERTIORARI GRANTED JANUARY 8, 1973**

E. L. MENDENHALL, INC., 926 Cherry Street, Kansas City, Mo. 64106, 421-3030

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CAPTION

IN THE

United States District Court

FOR THE SOUTHERN DISTRICT OF TEXAS
HOLDING SESSIONS AT CORPUS CHRISTI

ORVAL C. LOGUE, IND. AND AS PERSONAL
REPRESENTATIVE OF HIS DECEASED SON,
REAGAN EDWARD LOGUE, ETC.

versus

UNITED STATES OF AMERICA

NO. 69-C-106

BE IT REMEMBERED, that in the above entitled and numbered cause, lately pending in said Court, in which Final Judgment was entered on the 8th day of March, A.D. 1971, the Honorable Owen D. Cox, Judge of the United States District Court for the Southern District of Texas, presiding, the following proceedings were had, to-wit:

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CLOSED 3/8/71
Appeal filed 5/6/71

62-C-106

Jury demand date:

D. C. Page No. 100 Rev

TITLE OF CASE

ATTORNEYS

ORVAL C. LOGUE, Ind. & as
Personal Representative of his
Deceased Son, REAGAN EDWARD LOGUE,
etc.

VS.

UNITED STATES OF AMERICA

For plaintiff: Wm. R. Edwards
Edwards, DeAnda & Arnett
P. O. Drawer 480
Corpus Christi, Texas 78403

Marvin Poster
714 Buffalo
Corpus Christi, Texas 78401

For defendant: ANTHONY J. P. FARRIS
GEORGE PAIN, Asst.
U. S. Attorney

STATISTICAL RECORD

CODES

DATE

NAME OR
RECEIPT NO.

REC.

DUES

J.S. 5 mailed

Clerk

7/1/69

E.D. & A.

P/P

15.00

15.00

J.S. 6 mailed 3/8/71

Marshal

7/18/69: C/D#3-1

Base of Action: TEXAS

Docket fee

Wrongful Death Act -
\$100,000

Witness fees

Action arose at:

Depositions

TRUE COPY I CERTIFY

ATTORNEY

V. E. LEE THOMAS, JR.

By *[Signature]*

Deputy Clerk

69-C-106 - LOG. VS U.S.A.

DATE	PROCEEDINGS	Page Order Judgment No.
7/1/69	Original complaint, filed.	2 1-
7/30/69	Summons issued & delivered to marshal. Summons returned and filed. (Executed 7/23/69 thru U.S. Atty., Houston, Texas; further on 7/22/69 by mailing two copies to U. S. Attorney General, Washington, D.C.)	2 1-
9/29/69	DEFENDANT'S ANSWER, filed.	2-
10/8/69	Govt's motion for leave to amend, filed. (M/D 10/20/69)	3 4
10/27/69	ORDER granting leave to Amend. (WS)	3-
1/5/70	Plaintiff's First Amended Answer, filed.	5-
1/5/70	PRETRIAL CONFERENCE HELD: (WS)	7-
1/5/70	Discovery Order issued.	8-
3/10/70	Notice of Deposition of Dr. Shannon Gwin, filed.	9-
3/16/70	Notice of Deposition of June Shilling, filed.	10-
4/30/70	Oral Deposition of Dr. Shannon Gwin, filed.	11-
10/19/70	Deposition of Dr. James H. White, filed.	12-
10/29/70	Def't's notice of deposition of Dell W. Bowers, Jr., filed.	13-
1/14/71	Defendant's Motion for continuance, filed.	14
1/14/71	Interrogatories to be propounded to Chief Deputy U. S. Marshal T. C. Slocumb, filed.	15
1/25/71	Written deposition of Thomas C. Slocumb, Chief Deputy U.S. Marshal, filed.	16
" "	Deposition of Del W. Bowers, Jr., filed.	17
" "	Def't's motion for leave to amend, filed.	18
" "	Def't's SECOND AMENDED ANSWER, filed. ("Leave to file granted. ODC")	19
" "	Plff's proposed findings of fact & conclusions of law, filed.	20
" "	Def't's proposed findings of fact and conclusions of law, filed.	21
1/26/71	Motion of Jere A. Daniel, Jr., to quash civil subpoena to produce document or object, filed.	22
" "	Pre-Trial Order, filed. (Approved ODC)	23
1/26/71	Order in re first day's trial, entered. (ODC)	
	Trial begun before the Court. Mr. DeHada & Mr. Foster announce that Marvin Foster withdraws as co-atty. for plf., as he is material witness in case. Withdrawal approved by Court. Motion to Quash Subpoena as to Jere Daniel to be carried along with case. Seven witnesses sworn; Plf invokes the Rule. Plf's witnesses. Portions of depositions of Chief Deputy U.S. Marshal Slocumb, Dr. James H. White & Dr. Shannon Gwin read into record. Trial not concluded; case recessed to 1/27/71.	
1/27/71	Order in re second day's trial, entered. (ODC)	
	Trial resumed before the Court. Plf's witnesses. Portions of daily log of Deputy U.S. Marshal Bowers dated 5/24/68 read into record. Plf rests. Def't moves for judgment of dismissal. Motion to be carried along with case. Def't's witnesses. Trial not concluded; case recessed to 1/28/71.	
1/28/71	Order in re third day's trial, entered. (ODC)	
	Trial resumed before the Court. Def't's witnesses; def't rests. Trial not concluded; case recessed to 1/29/71.	
1/29/71	Order in re fourth day's trial, entered. (ODC)	
	Trial resumed before the Court. Both sides close. Arguments of counsel. Trial concluded.	
2/17/71	MEMORANDUM AND OPINION, filed and entered. (ODC) Pltff recovers \$5,000.00 for the parents plus funeral expenses in amt. of \$1,164.50.	24

C.A.60-C-10 LOGUE VS. U.S.A.

DATE	PROCEEDINGS	Date / Judge
2/22/71	SUPPLEMENTAL ORDER, filed and entered. (ODC) Ordered that Attorney James De Anda be awarded a fee in the amount of \$1,750.00 as Attorneys fees to be paid out of but not in addition of Judgment heretofore rendered herein.	232
3/8/71	JUDGMENT filed and entered. (ODC) (Plf Orval C. Logue, individually, recovers \$1,500, of which \$375 is awarded as atty's fees; Plf Orval Logue, as pers. rep. of Est. of Reagan E. Logue, Dec'd., recovers \$1,164.50, of which \$275 is awarded as atty's fees; Plf Alice Marie Blouin recovers \$3,000, of which \$875 is awarded as atty's fees; costs taxed against deft.)	2421
5/6/71 5/8/71 6/9/71	Defts. NOTICE OF APPEAL, FILED. (Record due 6/15/71) Court Rep. & Transcript of Proceedings, Jan. 20, 21, 28, 29, 1971, filed Deft.'s motion for extension of time for transmission of record on appeal, filed. (Counsel f/plfs advises he has no objection.)	252 2621
6/9/71	Order extending time for transmission of record until August 4, 1971, filed and entered. (ODC) (Certified copy mailed to Clerk, U.S. Court of Appeals & counsel. crw)	272

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 ALICE
 V. BALBY THOMAS, Clerk
 By: *[Signature]*
 Deputy Clerk

[1] REPORTER'S TRANSCRIPT OF PROCEEDINGS

(Caption Omitted)

APPEARANCES:

Honorable OWEN D. COX, Judge of the District Court of the United States for the Southern District of Texas, Corpus Christi Division,

PRESIDING

Messrs. EDWARDS & De ANDA, Wilson Building, Corpus Christi, Texas,

By Mr. JAMES De ANDA,
Mr. PHIL MAXWELL,

COUNSEL FOR PLAINTIFFS

Mr. GEORGE PAIN, Assistant United States Attorney, Houston, Texas,

and

Mr. WILLIAM L. BOWERS, JR., Assistant United States Attorney, Chief-Civil Division, Houston, Texas,

COUNSEL FOR DEFENDANT

[2] BE IT REMEMBERED that on the 26th day of January, A. D. 1971, there came on to be heard before the Honorable Owen D. Cox, Judge of the District Court of the United States for the Southern District of Texas, Corpus Christ Division, presiding in the District Court of the United States for the Southern District of Texas, Corpus Christi Division, without the intervention of a Jury, the above numbered and entitled cause;

WHEREUPON, the following evidence, together with objections, replies, remarks, rulings, comments, and exceptions in connection therewith, was presented before said Court, to-wit:

The Court: I will call the case of Orval C. Logue, et al, against United States of America, No. 69-C-106. What says the Plaintiff?

Mr. De Anda: Your Honor, the Plaintiff is ready.

The Court: What says the Defendant?

Mr. Pain: The Defendant, United States of America, is ready, Your Honor.

The Court: Gentlemen, do you have most [3] of your witnesses here? Would you like—we might as well swear them at this time.

Mr. De Anda: Judge, I have one witness that I did not talk to until yesterday, and I haven't had a chance to explain it to the Government. It is a gentleman that was in jail at the time that Mr. Logue was up there, and he will testify concerning the circumstances on the 25th, as to the number of inspections and this sort of thing. But I didn't talk to him until yesterday. In fact, he was on his way to Arizona when we found him, and I did not anticipate using him, although we knew about him, I didn't know I was going to use him, so I thought I would tell Mr. Pain here. If that is all right, if you want to talk to him

before I put him on, you are welcome to, but I had planned to start off with him, however—

Mr. Pain: —Yes, I would like to talk to him before—

The Court: —I think you are entitled to.

Mr. Pain: — before he puts him on as a witness. May we have about five minutes, [4] Your Honor, out in the passageway?

The Court: All right.

Mr. De Anda: That will be fine.

Mr. Pain: Which witness is it?

(Discussion held off of the record.)

The Court: Mr. De Anda?

Mr. De Anda: Yes, sir.

The Court: I wonder—this is just a matter of mechanics rather than anything else—this is off the record.

(Disussion held off of the record.)

Mr. De Anda: Judge, if I might interrupt the Court a moment—Mr. Marvin Foster was originally co-counsel in this case, and in checking the canons, it appears that perhaps, because he is a witness, rather a material witness in the lawsuit, that it would be

better for him to withdraw as a lawyer in the case, and also any interest that he might have in the case, and we have done that, and he does not appear on the Pre-Trial Order as Counsel. I know he appeared on the [5] original pleading.

The Court: Yes, yes, sir, all right.

Mr. Bowers: Your Honor, sir, thank you, we are ready.

Mr. Pain: Your Honor, we are ready to proceed.

The Court: I have read the Pre-Trial over carefully, and I think I understand the intentions of both parties, but if you would like to make an opening statement, you are free to do so. Mr. De Anda—

Mr. De Anda: — Your Honor, just to briefly supplement the Order because I don't think that maybe it is clearly delineated in the Order as it should be, and insofar as the Sheriff's Department is concerned, and the Sheriff's Deputies, at least those connected with the operations of the jail and detention of Mr. Logue, deceased, that it is our position that the, that the government has a non-delegable duty to safely keep its prisoners. And under the Statutes that we have mentioned in the Pre-Trial Order, both as pertains to the Bureau of Prisons, and as [6] pertains to the United States Marshal, and that, in acting as jailers, insofar as Reagan Logue was concerned, that the Government answers to the conduct of these men if there is a breach of their duty of reasonable care in the, in the keeping and safekeeping of their prison-

ers, just as if they were a United States Marshal. I think that other than that, Judge, I believe that the Pre-Trial Order fairly well covers the case from both sides.

I understand that Counsel indicated that they might want to make an addition to the supplement to it, and if they have, I would like to know about it.

Other than that, Judge, that's all I have unless there is any matter in the Court's mind that you would like for me to elaborate on.

The Court: Not at this time. Would you like to make a statement now, Mr. Pain?

Mr. Pain: Your Honor, at the present time we will let the Pre-Trial Order speak for our position until we get the opportunity to put on our evidence, our [7] case in chief, and then at that time I may want to make an opening statement, if it please the Court.

The Court: All right, have you filed anything new that Mr. De Anda is not aware of?

Mr. Pain: No, sir.

The Court: All right, at this point I would like to mention one thing—there has been filed this morning on behalf of Jerry Daniels a Motion to Quash the Subpoena, which has been served on him, to produce certain documents. I am not going to rule on that at this time, but when the, when you call him, we will, we will decide the question of whether or not he is required to furnish the information you have requested.

Mr. Pain: Your Honor, it is my anticipation that in all likelihood that will never come to issue.

The Court: All right, sir. Well, do you have—let's swear all the witnesses at this time.

Mr. Pain: Your Honor, if I may—most [8] of my witnesses, I have not brought them down here this morning anticipating that he is going to take a day or so, and I told my witnesses to be on call.

The Court: That's all right. Let's swear the witnesses that are here.

Mr. De Anda: Marvin, Mrs. Logue, stand up.

The Clerk: Will you all raise your right hands, please?

(Oath administered to the witnesses by the Court Clerk.)

The Court: We'd better have the names of those witnesses so they won't get mixed up on who has been sworn and who hasn't.

Mr. De Anda: Lorenzo Davis, Jr., (spelling) L-O-R-E-N-Z-O, is that right? Mr. Howard Vaught, Mr. Marvin Foster, Mr. Orval Logue, and Mrs. Marie Alice Blouin, (spelling) B-L-O-U-I-N, the natural mother of, of Reagan Logue, Your Honor, who appears on the pleadings as Marie Alice Logue, she has remarried, Judge.

[9] The Court: All right.

Mr. Pain: Your Honor, one of my witnesses stood up, Mr. Gerald Jones, Deputy United States Marshal.

The Court: All right: Is there anything further?

Mr. De Anda: Henry Miggins, Judge.

Mr. Pain: That's another witness that I mentioned, Mr. Henry Miggins, he's a Probation Officer.

The Court: All right.

The Clerk: There were seven witnesses that were sworn that I counted, so that seems to be all.

The Court: You may proceed.

Mr. De Anda: Your Honor, I would call Lorenzo Davis to the stand, Judge.

The Court: Step up there and take your seat.

Mr. De Anda: Your Honor, I would like to invoke the Rule, Judge, I don't know if there are any more of his witnesses that are here. Of course, Mr. Jones is here, I guess—

(Discussion held off of the record.)

[10] Mr. Pain: Your Honor, I have no objections to the invoking of the Rule except for Mr. Miggins, who is a Probation Officer, and I would like to have him present at counsel table during one witness' testimony of the Plaintiff, and that would be Mr. Vaught.

The Court: I think you are entitled to someone in that capacity to help you with your case, I would think.

Mr. Pain: And in addition to that, I would like to have Mr. Jones, the Deputy United States Marshal, present during all of these proceedings.

The Court: Well, I, I can't do that, I don't believe I can. I can let you have one witness who, in effect, represents the government to sit with you and help you with the trial of the case.

Mr. Pain: All right, then, may I substitute Mr. Miggins for Mr. Jones during the testimony of that one witness?

The Clerk: We didn't swear Mr. Miggins, we didn't give Mr. Miggins the oath.

Mr. Pain: I don't anticipate calling him [11] to testify.

Mr. De Anda: Oh, you don't anticipate that he's going to testify?

Mr. Pain: He may.

Mr. De Anda: George I don't think there is any matter that might be in conflict except there would be the one time I would want him out of the courtroom.

Mr. Pain: When is that?

Mr. De Anda: When you want him in here.

Mr. Pain: For Howard's testimony?

Mr. De Anda: I don't see why he should be in here during Mr. Vaught's testimony any more than for any other witness.

Mr. Pain: Your Honor, his testimony, I anticipate that Mr. Vaught's testimony will bear on his capacity as a United States Probation Officer, and I am not familiar enough with their internal procedures; I would like to be advised as to their internal procedures by Mr. Miggins when Mr. Vaught does testify, if he does so testify, and that is the purpose that I would like to have Mr. Miggins present at counsel table during that time. [12] And I would substitute him for Mr. Jones, so that I would only have one at any one time, one person to assist me.

The Court: I, I, I don't believe, I don't believe that is within the, within the Rule as I understand it. I, I know you are entitled to have one, one person to assist you in your, in your trial of the case, but to substitute others from time to time for a particular purpose, I just don't believe I can allow that.

Mr. Pain: All right, sir.

The Court: To the witnesses who are here in the courtroom—the Rule has been invoked and this means that you are not to talk to each other, or with any other person, about this case while it is in trial, other than the attorneys, or except by permission of this Court. You are not to read any report or comments upon the testimony in this case while

you are under the Rule, or any person who violates this Rule may be punished for contempt. I will say this to counsel—as the witnesses arrive who have not been [13] sworn, I want you to be sure and advise me, or at least make arrangements to see that they don't get in the courtroom at any time while the testimony is going on because that, that would be, of course, be a violation of the Rule, of the Rule in effect. Mr. Marshall, will you show the witnesses who have been sworn to the witness room?

The Marshal: Follow me, please.

Mr. De Anda: Judge, Mr. and Mrs. Logue are excused from the Rule, Mr. Logue, the Plaintiff, and Mrs. Blouin is a Plaintiff.

The Court: Are they both Plaintiffs?

Mr. De Anda: Yes.

The Court: They are excused from the Rule.

Mr. De Anda: Your Honor, Mrs. Blouin, Marie Alice, Marie Blouin is the natural mother, and she asked me if she might leave if she felt she should, and I told her that I thought it would be all right, if that is all right with the Court, during the testimony.

The Court: You mean during the, during [14] the testimony?

Mr. De Anda: I don't think she will interrupt the witness, Judge, but she is—

The Court: —Well, I don't like to have people in the courtroom walking in and out—

Mr. De Anda: —Yes, sir.

The Court: —It is distracting from the standpoint of the lawyers and the Court and the witnesses, but because of any, well, physical disability or for any reason of that sort—

Mr. De Anda: —She just recently had surgery, Judge.

The Court: And if that is the condition, why she may leave, but I will ask that when you do leave, that you leave in such a way as not to distract us.

Mr. De Anda: May I proceed, Judge?

The Court: Yes, sir.

[15] LORENZO DAVIS, JR.,

was called as the first witness on behalf of the Plaintiffs, first being duly sworn to tell the truth, the whole truth, and nothing but the truth, testified as follows, to-wit:

DIRECT EXAMINATION

By Mr. De Anda:

Q. Please state your name.

A. Lorenzo Davis, Jr.

Q. Mr. Davis, you are going to have to speak out loud enough for the Court Reporter, for the lawyers, and for the Judge to hear you.

A. Uh-huh.

Q. Okay?

A. Yes, sir.

Q. And try to speak out and not shake your head or anything so that we can hear what you say.

A. Uh-huh.

Q. How old are you, Mr. Davis?

A. Twenty-two.

Q. And where do you live?

A. 4550 Valdez.

Q. Here in Corpus Christi?

[16] A. Here in Corpus.

Q. I am going to direct your attention to the month of May of 1968, you were in the County Jail, in the Nueces County Jail at that time?

A. Yes, sir.

Q. And are the dates, did you know Reagan Edward Logue while he was in jail?

A. I knew him. I didn't know him until they brought him in, you know, inside of the jail, we met then; I was there.

Q. I am referring to the young man that hung himself.

A. Yeah.

Q. This happened while you were in jail?

A. Yes, sir.

Q. All right, now were you present, or did you know when he came to jail before he went to the hospital?

A. Oh, I was in jail when he came in.

Q. All right.

A. And I was there when he went to the hospital.

Q. All right, were you occupying the same cell or tank that he was?

A. We were livin' in the same cell, Logue and I.

Q. All right, how long was he in jail before he [17] went to the hospital, how long had he been in jail there with you before he went to the hospital?

A. Oh, about three or four hours at the most.

Q. All right, do you, while he was in there with you, and when he was put in jail, Mr. Davis, did you have any conversation with him?

A. No, he didn't talk very much.

Q. I beg your pardon?

A. He didn't talk very much.

Q. All right, did anything unusual happen while he was in the, in the cell there with you?

A. Well, when I was in the cell, I asked him to come over in the cell with me and he come over, moved in the cell with me, and I was goin' to sit back out at the table and play poker—

Mr. Pain—Your Honor—

Mr. Bowers: —Your Honor, we can barely hear the witness; it's very difficult to understand him and—

The Court: —I'm having difficulty myself. Talk a little louder so everyone in the courtroom can hear you.

By Mr. De Anda:

Q. Mr. Davis, you have, you have a naturally soft

[18] voice and it is hard to hear it—you say that you asked him to come into the cell there with you?

A. I asked him to come into the cell where I was and he did.

Q. All right, and when they put him in, in this area, or tank, is that what you call them?

A. Yeah.

Q. There, there are several cells within the tank?

A. Yes, sir.

Q. And are the prisoners that are in the jail permitted to walk from one cell to another within the tank?

A. Yes, sir.

Q. So that to bring this thing to a head, when he came in there, he went into a different cell from the one you were in?

A. Yes, sir.

Q. And then you asked him to come on into your cell?

A. Yes, sir.

Q. And did he do that?

A. He did.

Q. All right, while he was in there with you, did anything happen, anything unusual happen to him, [19] or did you, or to anybody, as far as you know?

A. Well, when, when I came, I come back outside to play poker and I was sittin' at the table, and after awhile he come and brought me a note that he wrote and I didn't pay it any attention, I just stuck it in my top pocket and kept on aplayin' poker. Later on he called me and asked me to bring him a drink of water, and I did. Well, I say, "I will get up and carry this guy a cup of water," and I went in there

to see, to carry him the water, and I found out that he had done cut himself. And I looked at him and seen he had cut himself pretty bad, and the mattress that he was sleppin' on, it looked like it was filled up with blood. The first thing I done was, I called the jailer, and by the time he got back there, it took him about ten minutes to get back there, and then he asked what had happened and I told him the man had cut himself, and I got him back to the door and they took him off to the hospital.

Q. You say he was cut pretty bad?

A. Yes, sir.

Q. How do you mean, cut pretty bad?

A. By his wrist, he cut it pretty deep and the [20] blood was layin' on the mattress, you know, it was just like a puddle of water.

Q. I see.

A. And he had passed out.

Q. Now this tank where you and Reagan Logue were confined, is that on, where in the jail is that?

A. It's downstairs, the first floor, you know, up the first floor.

Q. On the main floor of the jail?

A. Yes, sir, the main floor of the jail, yes, sir.

Q. Is that the same floor of the jail where the jailer's office is and—

A. —Yes, sir—

Q. —and the booking, and the booking desk is?

A. Yes, sir.

Q. And the kitchen facilities and visiting booths and this sort of thing?

A. Yes, sir.

Q. All right, and, and after you called the jailer, they came up there and took Logue away?

A. Yes, sir.

Q. All right, after that happened, did you remain in jail?

A. Yes, sir, I did.

[21] Q. Were you ever removed from the jail, or from that cell or tank?

A. I was moved the same day. They discovered I had a note that he had wrote and they moved me the same day, they moved me upstairs, which is the miscellaneous tank, which is right next to isolation where they brought Logue back to, they brought him back and put him in isolation.

Q. All right, but the same day that Logue was removed—

A. —They moved—

Q. —from the jail to wherever they took him—

A. —Uh-huh—

Q. —you were taken upstairs?

A. Yes, sir, I was.

Q. Now that was on the second floor of the jail?

A. Uh-huh.

Q. Which is actually the fifth or the sixth floor of the courthouse, but on the second floor of the jail. How do you get from the first floor of the jail to the second floor of the jail?

A. By stairs.

Q. A stairway?

A. Uh-huh.

Q. Is that stairway located inside the—strike [22] that question, Alice, please, ma'am. Let me see if I can't—Judge, are you familiar with the Nueces County Jail, it might save me a little time.

The Court: Yes.

Mr. De Anda: All right, sir.

The Court: Yes, I am.

By Mr. De Anda:

Q. As you walk in the jail off of the elevator, where the people are coming into the jail, you go through one set of doors?

A. Yes.

Q. Or one door?

A. Yes.

Q. And that puts you into, for want of a better word, I will call it a reception room—

A. —Uh-huh.

Q. That is where you can walk to the booking desk or make inquiries if you want to see somebody in jail?

A. Uh-huh.

Q. All right, and then to get into the area where the, where the people are actually confined, you have to go through another locked door?

A. Yes, sir.

[23] Q. With bars?

A. Yes, sir.

Q. All right, is the stairway inside this second locked door?

A. Yes, they are.

Q. But the stairway is outside the locked area where the tanks are?

A. Yes, sir.

Q. So that you were taken up this stairway to the second floor?

A. Yeah.

Q. Now generally are there any jail personnel other than the prisoners inside the second locked door?

A. No.

Q. That's the one that you go to by going to the stairs?

A. No.

Q. Generally, if there is any jailer in that area, it is because he's got to, he's got business or something?

A. He's got business, yeah.

Q. All right, now after you climbed the stairway to go up to the second floor, you say there are, there is another tank or tanks up there?

[24] A. Uh-huh.

Q. And you were taken up to the second floor?

A. Yeah, that's right.

Q. Is that right?

A. That's right.

Q. Now were there any other prisoners up there other than yourself?

A. Yes, sir, there was some.

Q. Do you know how many without giving me the exact number, approximately how many prisoners there were?

A. About twenty.

Q. About twenty all in one tank?

A. Yes, sir, all in one tank.

Q. And do you remember how many days or days, how many, how much later it was that Reagan Logue was returned to jail, did you see him when he was brought back?

A. Yeah, I saw him when they brought him back. They brought him back the next day.

Q. All right, and where was he placed?

A. In isolation.

Q. Is that on the second floor?

A. That's on the second floor.

Q. Now from, can you describe to me and to the [25] Judge the isolation cell as to where it was from the tank where you were, you were and the other prisoners were confined, could you see inside the isolation cell?

A. I could only see to the, to the door, to where they open the isolation. That's as far as I could see, but I could talk to anybody next door that was in isolation.

Q. You could by talking loud?

A. Yeah, by talking loud, yeah.

Q. All right, but you couldn't see inside of the cell except for one small area?

A. Just one small area. It is from, from the door you could see all the way down from isolation, I mean from the miscellaneous tank to the state tank, where it is, right past isolation, you know, and if you have to go in or come out with anybody, you can see.

Q. And how else does that isolation cell look, other than this little area on the door, or where you have bars, is the rest of it bars, or is it metal, or what?

A. You see, it's metal with holes in it about the size of a fifty cent piece.

Q. And outside those holes is there any kind of [26] covering?

A. Well, it's a little screen, you know.

Q. A screen?

A. Somethin' like chicken wire, somethin' like that.

Q. All right, now as far as you know, was Logue in there by himself?

A. Yes, sir, as far as I know.

Q. Did any of the jailers or the Sheriff or anyone else tell you or any other prisoner there in the tank to keep an eye on Logue, or to talk to him, or anything of that kind?

A. (Shaking head no)

Q. You are shaking your head no?

A. No, they didn't.

Q. All right, while Reagan was, Reagan Logue was in that cell, in this isolation cell, did you have any occasion to talk to him or try to talk to him?

A. Yeah, I talked to him that next morning about 9:00 or somethin'; it was about 9:00, I'd say, we don't have a clock or anything up there where we can keep up with the time, so I'd say it was about 9:00 o'clock. You can usually keep up with it by the sun, you know, and it was about 9:00 o'clock and I talked to him, and he [27] talked kinda funny. So, so I just went on back to sleep.

Q. I'm sorry, I didn't hear you.

A. I say it was about 9:00 somethin' that morning when I tried to talk to him, and we talked for a few minutes, and he sounded kinda groggy, you know, so I let him go ahead, you know, and take his rest, or go back to sleep, or whatever he was goin' to do.

Q. You just talked to him for a short while?

A. Yeah.

Q. And that afternoon or that day, did you have, did you try to talk to him any more?

A. I tried to talk to him again around about, about, real close to feedin' time, which is about, around 11:00 somethin', you know, and he didn't answer.

Q. He did not answer?

A. He didn't answer me.

Q. He didn't answer you. Did you try to talk to him any that afternoon?

A. Well, I tried to but he didn't answer that afternoon. This was after they had brought dinner, I tried to talk to him about 1:00 somethin', and when I tried to talk to him again, [28] and he still didn't answer, so the jailer comes up around, around about 5:00 somethin' when they get ready to feed, 4:45, when they get ready to feed dinner, and they found him, found him laying up there dead. He had hung himself.

Q. During this time that day which, incidentally, you may not recall the date, but I believe it is undisputed that it was May the 25th of 1968, Mr. Davis, do you recall whether—strike that—let me ask you this—in the usual course of events up there on the second floor of the jail, do the jailers make any rounds either day or night?

A. They make rounds at night, that's to punch, they have to carry a clock with them, you know, this kind, (indicating with hands), I guess that's what they punch the time by, and they have to punch that clock. They come around every hour on the hour at night, that's—

Q. —This is at night?

A. That's at night, this is the onliest time, you know.

Q. Did they make those rounds during the day?

A. No.

[29] Q. All right, during the day that Logue was in that isolation cell, do you recall any unusual activity on the part of the jailers, or the jail personnel, or anyone else, in going back there to see Logue or talk to him?

A. No, huh-uh. They might have come up there once, that would be all, because any time the jailers come up, everybody notices it when they come up because everybody wants somethin', usually to use the telephone, cigarettes, or they want somethin', you know, and they just don't come up there, they didn't come up there that day at all. They're not goin' to come up there noways unless they are coming up there for somethin' because they know the prisoners is goin' to beg when they come up there anyway.

Q. I see, as far as you recall, then, there was no unusual traffic going back and forth to—

A. —No—

Q. —Reagan Logue's cell on that day, the 25th?

A. (Shaking head no)

Q. You are shaking your head.

A. No, I say it wasn't.

Q. There was none?

A. There was none.

[30] Q. All right, did you know Reagan Logue before this?

A. No, sir, I didn't.

Q. Had you ever seen him before?

A. No, sir.

Mr. De Anda: We pass the witness, Your Honor.

CROSS EXAMINATION

By Mr. Bowers:

Q. Mr. Davis, I need to ask you about the time sequence of events. As I understand your testimony, you were in jail at the time Reagan Logue was originally brought into the Nueces County Jail, is that right?

A. That's right.

Q. How long had you been there, sir?

A. Oh, ever since about, I was there, I think it was about May the 6th, I believe.

Q. Can you speak up, sir, I can just barely—

A. —I think about May the 6th.

Q. Since about May the 6th?

A. Uh-huh.

Q. You were awaiting trial at that time?

[31] A. Yes, sir, I was.

Q. All right, sir, were you subsequently convicted on the charges you were held on?

A. Yes, sir, I were.

Q. And what was that conviction for, sir?

A. Car theft.

Q. Car theft, all right, sir, and you went to the penitentiary for that?

A. Yes, I did.

Q. All right, sir, now when Logue came in, did you have any discussions with him about what the charges were against—

A. —No, I didn't.

Q. All right, sir, did he say anything to you at that time that would have indicated to you that he might have contemplated taking his life?

A. No, he didn't.

Q. All right, sir, do you recall what it was that you did talk about?

A. Well, he just asked me—I asked him to move into my cell, and that was it, to move in my cell if he wanted to, and he came over and moved in my cell, and that was it.

Q. Is that all you said to him?

A. That was all.

[32] Q. Okay, now about how much later was it than that, as best you can recall, that you observed this cut on his arm?

A. Well, he brought me this note, like I said, and I was sittin' there playin' poker, and later on he called and asked me to bring him some water, and I brought him the water, that's when I discovered he had cut hisself.

Q. Okay, where was that cut located on his arm?

A. On his wrist.

Q. On his wrist?

A. Uh-huh.

Q. You're positive about that location?

A. That's the onliest place I could see, there was so much blood, he was full of blood.

Q. All right, sir, did you do anything to attempt to stop the blood or anything like that?

A. Uh-huh.

Q. Okay, sir, now do you recall which officer it was that came when you called to report this to?

A. Todd.

Q. Mr. Todd?

A. Mr. Todd, sir.

Q. All right, when Todd came, what happened at [33] this point?

A. Well, I told him that Logue had cut himself, and he said, "Where is he," and I went and brought him, I brought him, I got him down off of the bunk and brought him up to the front there, and he took him on off.

Q. Did Logue say anything at that time?

A. He passed out.

Q. All right, sir, he was, in other words, unconscious at that point?

A. Uh-huh.

Q. All right, now how long after that was it that you were taken up and placed in the tank adjoining this isolation?

A. Later on that evening.

Q. That's later on that same day?

A. Uh-huh.

Q. When did Logue come back?

A. The next day.

Q. All right, how did you happen to see when he came in?

A. Well, you see, they have windows on the miscellaneous where you can see out when the jailer comes up, when the jailer comes to the door, he's facin' you, and they have a window, [34] and you can automatically see everything that comes in and goes out.

Q. All right, sir, I would like for you to be a little bit more specific. May I approach the board, Your Honor?

The Court: Yes.

Mr. De Anda: Your Honor, I have no objections to this, and if the Court will entertain it, I would like for the Court to visit that area of the jail. I think it's going to be very difficult to describe it, and it might be, unless you are familiar with it, Judge, and I have no—I would suggest to the Court that this be done so that we can know what we are talking about here, unless we can get a blueprint or something, and I just overlooked it. There may be one available, but if there is none, would the Court consider that?

The Court: Mr. De Anda, I will take it under advisement. If we get further on into the case and I feel like it will be of help, I will do it.

Mr. De Anda: I will see if we have [35] available some sort of floor plan.

The Court: All right.

Mr. Bowers: Excuse me, Your Honor, I have got tight quarters here.

The Court: That's all right.

By Mr. Bowers:

Q. (Drawing on blackboard) Now, Mr. Davis, I'm going to draw a diagram on the board here, and if I make a mistake in the process of this, don't lay this out just exactly as it is, I want you to correct me and tell me how to, how it is. Would you do that for me, sir?

A. Yes, sir.

Q. All right, sir, now as you come up into this area

on the floor above the main floor of the jail, where the isolation cells are located, you come up a stairwell and go through a door. I will draw a small diagram on the board here, and as you come up there, there is a door that opens out into a fairly open area, is that correct, sir?

A. Yes, sir.

Q. All right, sir, and now there is another door that goes into this miscellaneous—

A. —Miscellaneous tank.

[36] Q. Miscellaneous tank, which is a, sorta a tier of cells, I believe you told me, did you not, that there were five cells back here? (Indicating)

A. In miscellaneous?

Q. Yes, sir.

A. There's only three to a row.

Q. Three to a row?

A. Yes, sir.

Q. So you have a block of cells that come about like this?

A. Well, the miscellaneous tank?

Q. Yes, sir.

A. That miscellaneous tank, there are five of them.

Q. Okay, sir, so you have five of them, one, two, three, four, five cells, and in this area, over here, as you come in there, there is sorta a big day room and then there is a cage or a walled off area where you have miscellaneous and where you have these other items, is that correct?

A. Yes, sir.

Q. Okay, and this is walled in, and you have here, this is isolation. (Indicating) Now as you [37] go into the isolation, there is a small door just about right here, is there not?

A. Yes, sir.

Q. All right, sir, and there are, there is a row right here of three cells?

A. Yes, sir.

Q. Now if my memory serves me correctly, there are one, two wet and one dry cell, is that correct, sir?

A. Yes, sir.

Q. Okay, sir, now the two wet cells are located on the end?

A. Yes.

Q. Are they not, in other words, you have a drinking fountain and commode in this area, and then there is a similar set-up on the rear with three cells likewise?

A. Yes.

Q. One dry and two wet, is that correct?

A. That's right.

Q. Now this end cell is what is known as a wet cell, and this is the one in which Mr. Logue was located, is that right, sir?

A. That's right.

Q. All right, sir, now each of these cells are [38] constructed, are they not—

A. —Yes, sir—

Q. —of a solid steel wall with holes approximately an inch and a half or two inches in diameter, cut out of them; in other words, it is a perforated steel wall?

A. Uh-huh.

Q. Okay, at this time do you recall whether or not they had welded this steel wall with this angle iron that they used to keep the prisoners from rattling

these cells, do you recall whether or not that was on at that time?

A. I don't.

Q. Okay, you did not observe it that closely?

A. No, I didn't.

Q. All right, now is there an entrance between this isolation area and this miscellaneous tank, is there an area between this walled off area and the isolation tank?

A. Well, what kind of an area are you talkin' about?

Q. I'm talking about where you have the isolation area, where you have the two tiers of small cells, and next to the miscellaneous tank, and now there is a door here that you go through here, in what you might call a day room, what [39] do they call it down there in the jail?

A. Well, it's called, they just call it the tank.

Q. The tank? Okay, and then this edge here is the edge of the area containing these two tiers of cells, and this cell—

A. —You've got it drawed wrong. The doors is right here in front here, and it is not like you have got it there. (Indicating)

Q. Okay, would you like to take the chalk and show me how it is?

A. Yes. The door is right here. (Indicating)

Q. Okay, why don't you take the eraser here and—

A. —It is set out like this here, it sets out about something like this here, and this is the door right here.

Q. Okay.

A. And you can see from, from, you see, it is iso-

lated down here but you've got about that much, about, about three or four foot that you can see right straight down, you can see, there's a window here. (Indicating)

Q. Uh-huh, okay, sir.

A. There is a window here and you can see right straight down from, all the way, all the way exactly past that isolation door here and the [40] tank over here, you can see all the way across to this tank down here.

Q. Okay, there is another tank down in here, but my question is—as far back as the row of cells where Logue was, what is, is there, is there a door or anything from this area over to the rear, or over to the area where these tanks were located?

A. No, it is not, it's not, you can just holler from this wall here over to this wall here.

Q. What is this wall constructed of in here?

A. Steel, it has holes in it, you know, a little hole, a little hole.

Q. A little hole about an inch and a half?

A. Yeah.

Q. A little, there are little small holes in there?

A. Yes, sir.

Q. How many people were in the miscellaneous tank at that time?

A. Oh, I think twenty.

Q. Okay, you were talking about going back and forth, I believe you told me you were playing poker most of the time, is that right?

A. Yes, sir.

Q. Okay, would you sit back down, sir. Now when [41] you talked to Logue, did he ever answer you?

A. He did.

Q. What did he say?

A. I say how was he doing, and he say he was doing all right.

Q. Okay, did he seem depressed or despondent to you at that time?

A. No, he didn't.

Q. Okay, sir, did you have a chance to see him when they brought him back in?

A. I saw him when they brought him up.

Q. Okay, did you observe anything, any bandages?

A. He had some bandages on.

Q. Okay, did it occur to you, did it occur to you at that time that perhaps Logue might have considered taking the bandage off his arm and hanging himself?

A. No.

Q. That thought never occurred to you at all, did it?

A. No, it didn't.

Q. Okay, sir, now it is your testimony, I believe, that never during the course of this day, from noon on until they found him, did any official of the jail come into that cell?

[42] A. No, they didn't.

Q. Okay, you are positive of that?

A. I am positive of it because, you know, if you're ever, well, like I said, you'd have to go up there in the jail to see, and when you go up to see you will see where you go up there and when the prisoners hear the keys, they are goin' to jump up and go to the windows, they're goin' to be hollerin' to see who is comin', this happens all the time. Just like talkin' to the jailer, they don't come up there unless they

come up there, they have to come up for somethin', they have somethin' to come up there for.

Q. Well, now there is a corridor here, back here behind the isolation and behind the miscellaneous tank, is there not?

A. That's right.

Q. And I believe there is a back door in between here, isn't there?

A. Yes, sir.

Q. And I believe you also said that the area where the, where they kept a time clock at the time—

A. —They didn't keep, they didn't keep the clock back there; they punch, they carry the clock with them on his shoulder and they punch it.

[43] Q. What do they do, punch the clock up there, they've got a key or something to punch it with, is that right?

A. Yeah, that's right.

Q. Okay, and you say this is only done at night?

A. Yeah.

Q. It is not possible that someone could have gone back down here while you were up at the front playing poker and perhaps observed Logue in the cell without—

A. Back there? (Indicating)

Q. Yes, sir.

A. No, you see, because they have to open that door, and when they open that door, I'm going to hear and everybody else.

Q. How did you come out in the poker game, did you win or lose?

A. Lost, I'm runnin' in bad luck sometimes when I am not cheatin'.

Q. The last part of your answer was, you are runnin' in bad luck when you are not cheating, is that what you said?

A. Yes, sir.

Q. Okay, sir, and how many people were there in this poker game?

[44] A. There was about five of us, five of us playing.

Q. Okay, and were you paying attention to your poker game, though?

A. Oh, I'm goin' to pay attention to my money.

Q. All right, sir. Now jail at that particular time was not a new experience to you, was it, Mr. Davis?

A. No.

Mr. De Anda: Just a moment, Your Honor, I'm going to object to that question because it is not relevant to any matter in this case. No. 1, if he is trying to impeach the witness, of course, there is a, an appropriate and proper way to do that by his convictions, I am sure he has a right to do that, but as far as the jail being not a new experience to him, I don't see the relevancy of that.

Mr. Bowers: May I explain, Your Honor?

The Court: Yes.

Mr. Bowers: The relevancy is this, Your Honor, there are several possible explanations for this witness' testimony. One, of course, is that no one actually did come up there to observe Logue; one is that, [45] of course, he is not being truthful, or there is the possibility that he simply was not paying close enough attention, because this is what I am trying,

attempting to show, that he is used to jail routine, he had been there a number of times, and perhaps the arrival of someone into this area would not be as novel an experience to this particular person as it would to someone, say, that was not so involved, and what I am attempting to do is just show his, Judge, show that he was used to the routine, and to support our theories, that there was a chain of observers that he didn't catch.

Mr. De Anda: Your Honor, if they, in fact, bring in any testimony that there were frequent visits to Reagan Logue's cell, which is refuted by a statement that I have, that was provided me by the Government from the Sheriff, I believe in any event, I think that this approach or trying to use this guise as a means to properly impeach the witness is improper. It is just wrong, Judge, and I think that [46] any—the remote possibility that this theory of his, that he is attempting to show the Court, that he would not notice anyone, is far out of the way by its prejudicial effect, and I just don't think it is proper even though it is a trial before Your Honor, and I recognize that, but I just feel that he is just trying to use this as an excuse and it doesn't have any relevancy or have much weight one way or the other to this man's testimony. And his explanation as to why he would be aware of someone coming, as he has explained it already, I don't think it is relevant, Judge, at all, and I think it would be improper to go into it.

The Court: Well, I think he could testify if he had been in this particular cell any length of time before—

Mr. De Anda: —All right, sir.

By Mr. Bowers:

Q. Had you been in this particular area any length of time before, sir?

A. No.

Q. Okay, in other words, that was the first time [47] you had been up there?

A. That's right.

Mr. Bowers: Of course, Your Honor, I would say that this goes back to the point of what I am talking about—a man who is used to the jail routine, the coming and going of guards would not be as much a matter of note to this particular gentleman as it would be to someone else, and that was the thrust of my question. I think it is obvious that Mr. Davis was incarcerated at the time and, and that he has testified to the conviction of one felony already. My records indicate that there is another, it relates to two convictions, there is still another felony which would also be proper, and I think at this time point that his experience in, in, in another jail would be relevant to his testimony.

The Court: Well, I'm going to sustain the objection to any further testimony on that point.

Mr. Bowers: Thank you, sir.

By Mr. Bowers:

[48] Q. All right, now, sir, it is your testimony, then,

that if a guard had been up there you would have noticed him?

A. Yeah.

Q. And that you did not notice any on this occasion until such time, until such time as Logue was actually found to have been, to have been found dead in his cell that afternoon?

A. Uh-huh.

Q. Okay, now when Logue's body was discovered, do you recall the sequence of events and what happened then?

A. After they found him laying in there, they brought him out and went and got the jailer, went and got two trustees to bring him out, and they, and they brought him out. He didn't have nothin' on but his shorts and his face was blue.

Q. Do you recall who cut him down?

A. No, I couldn't see.

Q. Okay.

A. I couldn't see who cut him down.

Q. In other words, your observation from back there into this area where Logue was located, (indicating), from here, was very limited, was it not?

A. Yes.

[49] Q. In other words, you had this small perforated wall, wire screen around here, and this tier of cells, and you also had, had the iron work that surrounded that particular cell—

A. —Uh-huh. (Shaking head yes)

Q. All right, sir, and so actually your chance to observe him back there, or observe what went on, was somewhat negligible, was it not?

A. Uh-huh.

Mr. De Anda: Judge, I can't hear either the question or the answer.

Mr. Bowers: I'm sorry, Mr. De Anda, It's my fault in failing to talk to the witness rather than—

Mr. De Anda: —Well, if you would talk louder, please.

Mr. Bowers: I will, but it is difficult to refer to this diagram otherwise—

The Court: —You might swing that around further so everybody can see it better, including myself, please.

By Mr. Bowers:

Q. All right, Mr. Davis, there are, there was a conviction of a felony which you told us about, the car theft, was that the only felony [50] conviction that you have ever had on your record?

A. At that time, yes.

Q. Ever, I'm talking about—

A. —Well—

Q. —Since then?

A. Since then?

Q. Yes, sir.

A. I had only one since this, this case here occurred.

Q. So that would be two, would it not?

A. Yes, sir.

Q. What was the second one for, sir?

A. Car theft.

Q. Car theft?

A. Uh-huh.

Q. All right, Mr. Davis, when was the first time you were contacted and asked to give testimony in these proceedings?

A. Oh, it was way back in September of '68.

Q. September of '68?

A. Yes.

Q. And where were you at that time?

A. In jail.

Q. All right, sir, who did you talk to?

[51] A. My Mother.

Q. All right, did you talk to the lawyer, Mr. De Anda or—

A. —No—

Q. —Mr. Edwards?

A. The first time I met Mr. De Anda was yesterday.

Q. All right, where were you when you were first asked to come here and testify today in Court?

A. It was at my apartment.

Q. Where?

A. At my girlfriend's house, it is on Lake.

Mr. De Anda: I'm sorry, where?

By the Witness:

A. On Lake Street.

Q. Here in Corpus Christi, is that right?

A. Yes, sir.

Q. Now you discussed this matter with Mr. De Anda, have you not?

A. Yes.

Q. All right, sir, and did you contact him or did he contact you?

A. Well, my father contracted me and I called him.

Q. All right, sir, do you know whether Mr. De Anda contacted your father or your father went to see Mr. De Anda?

[52] A. He contacted my father, I believe. No, I think it was my, my father say it's one of his, one of his investigators contacted him, talked to my father, and then he contacted me.

Mr. De Anda: Your Honor, I don't think the witness knows, but I will be glad to inform Counsel. I sent one of my investigators to see if we could find Mr. Davis, and he didn't find Mr. Davis, he found Mr. Davis' father, and Mr. Davis' father apparently contacted Mr. Davis, and Mr. Davis informed me he was leaving, going to Arizona, as I remember, and I asked him to stay. That was it.

By Mr. Bowers:

Q. Are you being reimbursed any of your expenses to come to Court and testify, sir?

A. No, sir, there wasn't.

Mr. Bowers: That's all, Your Honor, that we have of this witness. Thank you.

[53] REDIRECT EXAMINATION

By Mr. De Anda:

Q. Your Honor, we—you don't have any expenses for coming to Court, Lorenzo, but you were paid

Twenty Dollars, were you not, when you got your subpoena this morning?

A. No.

Q. Didn't they give you a check for Twenty Dollars down there at the Clerk's Office—

A. —They have it—

Q. —or the Mashal?

A. Yes, sir.

Q. All right, and I told you also, just to clarify the record, Your Honor, and this wasn't in connection with expense for coming to Court, but it was my understanding that Mr. Davis had a ride to Arizona and I told him if he would stay that I would pay plane fare for you, from here to Phoenix, where you were going, if you decided to go?

A. Yes, sir.

Q. And I don't think I gave you the amount, I just told you that I would give you the plane ticket, is that right?

[54] A. Yes, sir.

Q. I wanted to be sure you understood, we are very candid about it—

A. —Yes, sir.

Mr. De Anda: That's all I have of this witness, Your Honor.

Mr. Bowers: Your Honor, I would like to have this witness remain on call during the course of the trial. We anticipate this issue will be contested in view of later developments, and I would like to have him available to be called back.

The Court: All right, you may step down for the time being, but you remain on call. Mr. Marshal, would you take Mr. Davis to the witness room?

The Marshal: Yes, sir.

Mr. De Anda: The Marshal has the money, that's the reason he didn't say anything about it.

The Marshal: I didn't get a chance to serve him.

The Court: All right.

WITNESS EXCUSED

[55] Mr. DeAnda: Your Honor, we will call as our next witness, Mr. Foster, Mr. Marvin Foster.

The Court: All right.

Mr. Bowers: Sir, may I retrieve my notes up here, they fell down beside the jury box?

The Court: Yes. I think if you will pull the back end of that a little bit more forward, this way, that it may be a little bit easier to see.

Mr. Bowers: Yes, sir, I'm sorry.

The Court: I know it is difficult.

[56]

MARVIN FOSTER,

was called as the next witness on behalf of the Plaintiffs, first being duly sworn to tell the truth, the whole truth, and nothing but the truth, testified as follows, to-wit:

DIRECT EXAMINATION

By Mr. De Anda:

Q. Please state your name.

A. Marvin Foster.

Q. Mr. Foster, what is your business or occupation?

A. I am a lawyer.

Q. And are you licensed to practice law in the State of Texas?

A. Yes, sir.

Q. I believe you do a considerable amount of criminal law in your business?

A. Yes.

Q. Did you know, during his lifetime, Reagan Edward Logue?

A. Yes, sir, I did.

Q. And do you also know Mr. Orval Logue?

A. Yes, sir, I do.

Q. And do you know Mr. Logue's ex-wife, the mother [57] of Reagan Logue?

A. Yes, sir.

Q. Did you have the occasion to represent Reagan Logue during his lifetime?

A. Yes, sir, I did.

Q. And were you representing him with reference

to the matter for which he was jailed back on May the 22nd, 1968?

A. Well, I considered that I was Reagan's lawyer. I actually had been first retained to represent Reagan in another matter, and while that was pending, he was arrested on the 22nd, I believe, on a separate criminal matter, but so far as I was concerned, I was his lawyer in that case, too.

Q. All right.

A. And I considered that I would have been, at any rate.

Q. All right, on the 22nd day of May, 1968, which, I believe, is the date of his arrest—

A. —Yes—

Q. —where were you?

A. My recollection is that I was in the Nueces County Courthouse. I don't know whether we were in trial or whether I was just down there, or [58] whether I was actually in Court or not, but I know that I talked to his step-mother from the, from the telephone in the office of the Court Reporter for the 105th District Court.

Q. All right, and at that time, at the time that he was arrested, Reagan was staying with his father and his step-mother, if you know?

A. Well, yes, he was staying with them, I am sure, most of the time. I think he spent, he would go back and stay with his natural mother some, a few nights or something, and then stay, well, at the time he was there at, at his father's and step-mother's house, at any rate.

Q. All right, after you learned of his arrest, did

you have the occasion to see Reagan before he was placed in jail?

A. No, I didn't.

Q. And you were not present when he was arraigned before the Commissioner, or taken before the Commissioner following his arrest?

A. No, I talked to the Commissioner, Mr. Martin, as soon as Mrs. Logue called me and said that they had arrested Reagan, and I asked her, I think, how long they had been gone. It was five minutes or so, that was the reply, and I [59] immediately called the Commissioner's Office, and the Marshals, or a Marshal and Reagan were in the Commissioner's Office at that time.

Q. All right.

A. But I didn't go over there after I talked to the Commissioner, then, I didn't go.

Q. All right, when did you, what next happened with reference to Reagan that was unusual, or that you recall was in connection with his incarceration there in the Nueces County Jail?

A. Well, I had several telephone conversations with Mr. Orval Logue, and it is possible that he came by my office even that afternoon to discuss what our steps were.

Q. All right.

A. And I am sure I had telephone conversations with Reagan's natural mother, too, about what would happen, why he was in jail, what we were going to do about it, and so forth.

Q. All right, did you have any conversation with Reagan?

A. None until the following morning, I believe that was the 23rd.

Q. Was that before or after he was taken to the hospital?

[60] A. That was before.

Q. All right, and following this conversation with Reagan, when—was that in the County jail?

A. That was in the Nueces County Jail.

Q. All right, and thereafter did you have the occasion to see Reagan again?

A. I saw him that afternoon at, about, oh, shortly after 5:00 o'clock in the Emergency Room at Memorial Hospital. It was on a Thursday afternoon, the 23rd, I believe.

Q. And what was the occasion of your being at the Memorial Hospital?

A. His father, Mr. Logue, had telephoned me.

Q. All right, and following that telephone conversation, you proceeded to the hospital?

A. Yes, I went to Memorial Hospital to the Emergency Room.

Q. And what, what, if anything, was wrong with, with Reagan?

A. Well, he was on a stretcher that—not a stretcher, an emergency type bed in one of these alcoves where they draw the curtains, and he had some lacerations on his, either one or both wrists, I don't remember which, and appeared, you know, sorta in a state of shock.

[61] Q. Did you talk to him at that time or attempt to talk to him?

A. I talked to him. I don't remember what the conversation was exactly, but it was just to the extent of, you know, like patting him on the shoulder and

saying, "Don't worry, everything is all right," and things like that.

Q. All right, now who else was present when you talked to, to Reagan there in the Emergency Room?

A. Well, Mr. Orval Logue was there, and, I believe, Reagan's step-mother was there. And Reagan, of course, and there was a nurse or two on duty, and there was an intern there named Dr. White, I believe it was White.

Q. All right, after you arrived and after you talked to him, how long did you remain there, do you recall?

A. Somewhere between thirty minutes and an hour, I would think. I'd say at least thirty minutes, and possibly as long as an hour.

Q. All right, and while you were there, was there any effort to attempt, or attempt to obtain any other services of any other physicians other than Dr. White who was there in the Emergency [62] Room?

A. Yes, we made an attempt—well, I say we—I stood by the telephone while either Dr. White or the nurse on duty, or in charge, attempted to, I believe she first tried to get ahold of Dr. Shannon Gwin, and then she later was, she was unsuccessful, I think, and then she later actually got in contact with a psychiatrist by the name of Walker.

Q. Dr. Gwin is also a psychiatrist?

A. Yes.

Q. Because of, do you know what the purpose was of trying to get these psychiatrists, what it was?

A. The purpose of that was that, that after we had observed Reagan, and we had talked to Reagan, we had talked to this intern that was preparing to su-

ture him, take care of him there, and, and Mrs., Mr. Logue, and I had conferenced and consulted about Reagan, and it was the family's feeling and my feeling that he should be committed from the Emergency Room directly to the psychiatric ward, we wanted him to go to the psychiatric ward, but there was no way to get him in there without a psychiatrist [63] arranging the admission, or it wasn't, it wasn't a commitment, I guess it would be an admission, and he was asked to prescribe whatever medicine he was to have.

Q. All right, now—and were you able to effect his admission into the psychiatric ward?

A. Well, I didn't hear what Dr. Walker was saying on the telephone, but I know that he talked to the nurse, I think probably he talked to Dr. White. Now I don't specifically remember that, but I am sure he did, and as a result of those conversations, we were then told by the nurse on duty, or Dr. White, that, that Dr. Walker had ordered his admission to the psychiatric ward and had prescribed certain sedatives, or whatever psychiatrists prescribe; at any rate, he had arranged for Reagan's admission and his medication.

Q. All right.

A. With the understanding that he was doing that as, as a, as Reagan would be Dr. Gwin's patient; Dr. Walker simply was doing it as a casual courtesy to Dr. Gwin, and because of the, the emergency nature of what we needed.

Q. All right, well, following these arrangements [64] there in the hospital, and the admission of Reagan into the psychiatric ward, did you then leave the hospital or what did you do?

A. I left the hospital and went home.

Q. All right, when did you next have anything to do with Reagan Logue or, or his incarceration and confinement either at the hospital or in jail?

A. Well, let me—I'm going to have to explain my answer—actually, from the time that Reagan was arrested on Wednesday afternoon, through that night, through all day Thursday, and then after he was taken to the hospital, and then all day Friday, and most of Saturday, I would say there was a lot, that a lot of my time was devoted to the Logues. By that I mean there were telephone conversations, I was calling the Court in Austin, I was calling, attempting to get ahold of the U. S. Attorney in Laredo, and there were various telephone conversations, so I don't know what you mean, when did I next have something to do with it.

Q. All right, what was the purpose of these calls?

A. May I just explain this—Reagan had been under indictment in Austin, as I recall, there [65] had been two indictments up there, and there were multiple defendants in both indictments. There were multiple counts in both indictments, but Reagan was not charged in each count in each indictment. And we had gone up in March, I believe, and had entered a plea of guilty to the, to all of the misdemeanor counts in both indictments. There were also some felony counts; the, the misdemeanor counts had to do with barbituates or hallucination drugs, or those kind of charges, and the sentencing had been set for May the 23rd. And our conversation, the family and I in conference with Reagan earlier, the earlier part of that week, this was on a Thursday, that would

have been the 23rd, had been with reference to what might occur at the sentencing and what our plans would be, whether we would drive up together to Austin, or whether we were going to meet up there and so forth. And so Wednesday afternoon is really when, immediately after his arrest, that I had to start making some arrangements concerning us not being present in Judge Roberts' Court in Austin the next morning. And I had several conversations with Judge Roberts' office, [66] and I think with the U. S. Attorney's office in San Antonio, who was prosecuting it.

Q. All right, well, that didn't answer my question properly, Mr. Foster. Let me put it this way—when did you next have any conversation or do anything with reference to the incarceration here in Corpus Christi?

A. You mean after I left the hospital?

Q. Yes, sir.

A. Well, I believe I had a conversation that night after I left the hospital with either Mr. Vaught or Mr. Logue.

Q. All right, was any of the, were any of the Deputy Marshals, U. S. Marshals in Corpus Christi at that time, to your knowledge?

A. It is my knowledge that neither of them. That Mr. Shorre who was also assigned here, I believe he had gone to El Paso to deliver prisoners, or something. He was out of town, and Mr. Bowers from the valley had been up here working, and I think he is the one that actually arrested Reagan on Wednesday. For some reason he had an appointment out of town on Thursday, and there was not, up until the time

I left the hospital, there was not a United States Attorney, [67] I mean a United States Marshal available in Corpus Christi.

Q. All right, following your conference with the doctor at the emergency room, or on the telephone, or however it happened, and attempting to arrange his admission into the, Reagan's admission into the psychiatric ward, was there any effort on your part made to keep Reagan in the hospital in the psychiatric ward?

A. That night?

Q. Any time.

A. Yes, the following morning, of course that night we knew he would be, would stay in the psychiatric ward, and I believe that a Deputy Sheriff stayed there with him.

Q. All right.

A. I don't recall, don't recall who, which Deputy it was that took him out there, whoever, there was always a Deputy Sheriff in attendance in the emergency room.

Q. All right, now the next day, the following day, which would have been the 25th—

A. —The 24th.

Q. The 24th, excuse me, which would have been the 24th, what did you do with reference to [68] Reagan's hospital stay?

A. I came to the Federal Building here pretty early that Friday morning. I think it was probably right at 9:00 o'clock, or shortly after 9:00, to see the United States Marshal concerning what we were going, what was going to be done with Reagan.

Q. All right, and to whom did you speak, do you recall?

A. To—I went in the Marshal's office and, and talked to Mr. Bowers.

Q. All right, and did Mr. Bowers give you any indication of what was going to happen, or what was going to be done about Reagan?

A. He didn't know. He was working on it at the time and he had, excuse me, I believe he had already talked once to, to the office in Laredo, and I believe he had talked to Mr. Jones in Laredo, and he then, while I was there, in my presence, he called Mr. Jones back on the government, government line, or phone system that they have.

Q. All right, and what was the nature of the conversation and what, what was actually said as you can best remember?

[69] A. Well, may I back up a minute because starting the day before, on Thursday morning, before Reagan ever went to the hospital, when Mr. Logue and I went up to the jail to see Reagan, this was for the purpose of, of us attempting to persuade Reagan to let me file a Motion to have him examined by a government psychiatrist, or committed to Springfield, I believe that's where they send them, but I wanted to, I wanted to get his permission to do that before I filed such a Motion either in Austin or in Laredo where this new case, the indictment had come from that caused his arrest. And Reagan was enthusiastic about it. We had anticipated having to try to convince him to let us do this for his own good, but he just readily accepted it, and he was enthusiastic about the idea of going to the hospital. Maybe it was, well, I don't know a lot about it, but I tried to explain to him what the institution was that he was going to,

and what the purpose of his going up there was for. Anyway, he was enthusiastic about that, and I then tried to contact Mr. Ronald Blask who was then with the United States Attorney's Office. After I left [70] the jail I went back to my office and started trying to get in touch with Ronald Blask in Houston, who at that time, I believe, was in charge of the criminal prosecutions over the Southern District, or at least he was in charge of the Laredo docket, and for the purpose of, of explaining to him what I wanted to do, and I was informed that Mr. Blask was on his way to Laredo. So then I called Laredo and left, I never, he hadn't gotten there, and I left word with Mr. Leyendecker, the Clerk, and told him what I wanted. And he said that he would leave word for Mr. Blask to call me, that he expected him before 5:00 o'clock that afternoon. He knew that he was in route to Laredo. And then, of course, after this thing happened on Thursday night, it became, in my opinion, a real critical situation to try to do something with Reagan with reference to keeping, keeping him in the hospital rather than the jail. And that was why, after explaining all of this to Mr. Bowers that morning here in the, Friday morning here in his office, I think that preempted his call back to Mr. Jones so I could then talk to Mr. Jones and attempt, and tell him what we [71] wanted to do. Now your question was what that conversation was?

Q. Yes, sir.

A. The conversation with Mr. Jones at that time, at that time that morning was, I think, that Mr. Bowers probably had already brought him up to date about what the situation here was, but I think I also

went into the matter as to what, what our situation, the immediate situation was here in Corpus Christi. And I informed Mr. Jones what I had tried to do the day before, and that I wanted very badly to talk to Ronald Blask. Mr. Jones, I don't remember the exact words, but he informed me that Mr. Blask was in Court on business and that Judge Connally was on the Bench, and that he would—I told him that I was available to come to Laredo that morning if we had to be present in Court and do this, that I had contemplated coming down the night before but I didn't because I wanted to talk to them first.

Q. By doing this, you mean—

A. —Filing a Motion to have him committed for psychiatric examination.

Q. All right.

[72] A. Mr. Jones told me that, that—first, it would save me a trip, I believe, to Laredo, first he would take it up with Mr. Blask at the earliest possible moment and tell him what the situation was, and if necessary, talk to Judge Connally about it, this was maybe 10:00 o'clock that morning, 9:30, or 10:00 on Friday morning.

Q. Was Mr. Jones aware, from the tenor of your conversation, was he aware that Reagan had attempted to take his life?

A. Oh, yes, I would say so.

Q. All right, and following that last conversation with Mr. Jones, did you, what happened next with reference to the commitment, and we are talking about Friday morning now?

A. I don't know that anything further happened with reference to the commitment Friday morning.

My recollection is that it was shortly afternoon when, I believe, Mr. Bowers called me, and at any rate I was informed that Judge Connally had signed an Order that, that the United States, that the government had joined in, in other words, they had taken the initiative and that it wouldn't be necessary for me to file any Motion for it, that they had taken the [73] initiative and that Judge Connally had signed, had already signed the Order, or was in the process, it was in the process of being typed and presented to him. At any rate, he had agreed to sign the Order directing that Reagan be committed to Springfield for psychiatric evaluation.

Q. All right.

Mr. De Anda: Your Honor, I have Plaintiff's Exhibit No. 2, which has been marked by the Clerk as the next number, No. 2, and we have a Plaintiff's Exhibit No. 1 that will be introduced later, Judge—which is the Order signed by Judge Connally on May the 25th, 1968, in Criminal Action No. 68-L-208, styled The United States of America versus Reagan E. Logue, which is an Order directing a ninety-day commitment so that he may be examined by a psychiatrist, and it states among other things, that the United States Attorney, having reason to believe that the Defendant may be presently insane, or otherwise so mentally incompetent as to be unable to understand the proceedings [74] against him, or properly assist in his own defense, and should be examined by, examined by one or more qualified psychiatrists, to determine whether or not the Defendant is mentally competent at this time and so as to be able to

understand the proceedings against him, and properly assist in his own defense. And then it proceeds to have him ordered, and Counsel has a copy, in fact, he obtained this information for me, Judge—

The Court: — Do you have any objections?

Mr. Pain: I have no objections.

Mr. De Anda: So I would, I would offer Plaintiff's Exhibit No. 2.

The Court: It will be admitted.

By Mr. De Anda:

Q. You were notified about this Order about what time, Mr. Foster?

A. It is my best, my best recollection is 2:00 or 3:00 o'clock P.M., it was afternoon, I believe.

Q. All right, after being—

Mr. Pain: — Excuse me, was that on the 23rd or the 24th?

The Witness: This was on Friday, I guess [75] the 24th.

By Mr. De Anda:

Q. Reagan died on Saturday, the 25th?

A. Yes.

Q. So that then the Order, to your best recollection, was entered sometime in the afternoon of the, of the 24th?

A. Mr. De Anda—

Q. — I'm sorry—

A. —I don't know when it was entered. I have never seen it, I was just advised.

Q. The Order was actually entered the 25th, according to the Order here.

A. I really think the information I got was that, that the matter had been resolved in Laredo; that Judge Connally was, that Mr. Blask had taken it and perhaps Mr. Jones had taken it up with the Judge, I am sure that's what happened probably at a recess, now that's just a guess, but at any rate, that, that, either an Order had been signed or the Order was being prepared, it was not going to be necessary for me to go to Laredo and appear in Court, it wasn't going to be necessary for me really to do anything further on the matter. That the government had [76] taken the initiative and Judge Connally was going to order, was going to order, or had ordered him to be taken to Springfield at the earliest opportunity.

Q. All right, now following this, did you have any, did you do anything or have any further conversations concerning Reagan Logue's hospitalization or continued hospitalization in Memorial?

A. Well, at the same time that I got this information about the Order—now I am sure that came from Mr. Bowers—there was a discussion between he and I then about when he would be taken to Springfield, and because of the situation here, I was given to understand that it probably would be the first of the week, Monday, or there wasn't any way to move him before Sunday or Monday or Tuesday of the

following week, and we discussed what was going to be done with him in the meantime.

Q. All right.

A. We had already discussed that, we had discussed that, this morning, Mr. Bowers and I, and Mr. Bowers in my presence discussed it with Mr. Jones on the telephone.

Q. Was anyone else present during these conversations [77] that you had with Mr. Bowers?

A. Not to my knowledge. They were, other than the telephone conversations, the face-to-face conversations were had in the Marshal's office.

Q. All right, was Mr. Vaught present during any of these conversations, if you recall?

A. I think I had some conversations with Mr. Vaught that morning while I was here in the building. I know that—I don't believe he was, no, I don't believe he ever was actually present when we, Mr. Bowers and I, had any conversations, other than maybe we saw him in the hall and that was it.

Q. All right, now did you have any further conversations with Mr. Jones or anyone else in the Marshal's office pertaining to Reagan's continued stay at the hospital?

A. Well, I had a conversation with Mr. Bowers that afternoon, and then I had a conversation with Mr. Jones late in the afternoon.

Q. All right, and what prompted this conversation?

A. The one with Mr. Jones?

Q. Yes.

A. Well, I was informed by Reagan's mother that, by telephone from the hospital, that they were [78] taking Reagan back to jail.

Q. And was your conversation with Mr. Jones, what was its purpose?

A. Well, I think again at that time, when she told me that, I believe that I talked to Mr. Bowers.

Q. All right.

The Court: Mr. De Anda, I'm going to have a short recess. We will resume again at 11:00 o'clock, and I would like to ask this—if there is—we're getting a lot of, "I think," and "I am not real sure about this," if perhaps we could get direct testimony based on your questions rather than so much narrative, I think this would save some time.

Mr. De Anda: All right, sir.

The Marshal: Everyone rise, please.

We will recess until 11:00 o'clock.

(After a short recess, Court reconvened, in the above entitled and numbered cause, all parties present and presiding as before, and the [79] following proceedings were had, to-wit:)

The Court: Mr. De Anda, you may proceed.

By Mr. De Anda:

Q. Mr. Foster, to continue, I believe you stated earlier you were, you were present during a telephone conversation between Mr. Jones and Mr. Bowers?

A. Yes, sir, on Friday morning.

Q. On Friday?

A. The 24th.

Q. What was that conversation, to your best recollection?

A. Well, Mr. Bowers brought, talked to Mr. Jones about the situation here, and told him that he had talked to, or had seen the doctor, and that in his opinion and in, and that the doctor had informed him, that the boy should be kept in the hospital because he had prevalent suicidal tendencies and psychological problems. And then they talked about the possibility of, or the necessity of a guard; Mr. Bowers expressed that in his opinion someone should stay at the hospital, that he would try to get some Deputy [80] Sheriff to stay, and that he had been out of town for two or three week-ends, he had missed being with his family, and he had planned to go to Edinburg that week-end to be with his family, but that he would stay himself and do part of the guard duty.

Q. All right, now was there any ultimate decision reached insofar as you could hear from Mr. Bowers, because you were not engaged in the conversation, and it was not a three-cornered conversation, was it?

A. No, he had a conversation with Mr. Jones on the phone, and then I had one, but we did not all three talk at once.

Q. All right, and at that point, was there any decision made, either temporarily or otherwise, as to whether or not Reagan Logue would remain in the hospital from what Mr. Bowers conveyed to you?

A. Well, they—Reagan was going to stay in the hospital until Mr. Jones got back in touch with Mr. Bowers. There was a decision between Mr. Bowers and I as to what ought to be done, but, but not between Mr. Jones and—

Q. —All right, then after Mr. Bowers concluded [81] his conversation with Mr. Jones, did you have a conversation with Mr. Jones?

A. I had a conversation with Mr. Jones, and it was during the conversation with Mr. Bowers, I talked to Mr. Jones and then Mr. Bowers got back on the phone and talked to him.

Q. All right, then as I understand it, that, at that point, Reagan Logue was going to remain in the hospital until Mr. Bowers and Mr. Jones talked further?

A. Yes, until Mr. Jones took the matter up with the U. S. Attorney and with Judge Connally.

Q. All right, now after that conversation, did you leave the Marshal's office or wherever you were talking from?

A. Yes.

Q. And when did you next have a conversation pertaining to the, to Reagan's incarceration, with either Mr. Jones or Mr. Bowers, or anybody connected with the government?

A. Well, it was late that afternoon, about 3:00 or 4:00 o'clock, I talked to Mr. Bowers by telephone. And then shortly after 5:00 o'clock, it was shortly after 5:00 o'clock, but just a few minutes after 5:00, I talked to Mr. Jones by [82] long distance. He was in Laredo.

Q. Did Mr. Bowers ever express any opinion to you as to whether or not Mr. Reagan Logue ought to stay in the hospital?

A. Yes, he did.

Mr. Bowers: Your Honor, I think that calls for

speculation and an opinion on Mr. Foster's part, and would be a conclusion and would not be admissible in these proceedings.

The Court: I agree; I sustain the objection.

Mr. De Anda: Judge, I am in this predicament with the Court's ruling—that our position is that it was the government's decision, acting through its agents, to remove, to remove Reagan from the hospital, and whether the decision is a wise one or not, that's exactly my, the whole point of my case; that we have to get into these conversations, I think they are admissible since they were acting in the scope of their employment.

The Court: I think conversations are admissible, and I think the acts are [83] admissible, but I think your conclusions probably are not.

Mr. De Anda: All right, sir. Well, without belaboring the point, Judge, may I ask the witness as to whether or not Mr., Mr. Bowers expressed any opinion, or if he said anything with reference to whether or not Reagan should remain in the hospital, and if so, what was it that he said?

The Court: I think that comes, Mr. De Anda, here is, here is the way it looks to me—whether you lined up six U. S. Marshals and asked each one their opinion with regard to it, you might have a difference of opinions. I don't think the, the conclusion that the Marshal might have expressed prior to mov-

ing him or prior to leaving him there would be admissible, or prove anything, or establish anything.

Mr. De Anda: All right, sir.

By Mr. De Anda:

Q. All right, now, Mr. Foster, let's get to your conversation with Mr. Jones that afternoon, which is Friday afternoon—

A. —Uh-huh—

[84] Q. —What was the occasion of the conversation, and by that I mean did you call him or did he call you?

A. I called him.

Q. What was your purpose in calling, why did you call him?

A. Well, I called him to find out why Reagan was being transferred back to the County Jail.

Q. All right, and did you, did you have a conversation with Mr. Jones with reference to Reagan being returned to jail?

A. We had, we, well, I don't know how long we talked, but yes, we had a conversation about it.

Q. Did he express to you any—strike that, please—did he express to you any knowledge of what the doctor's opinion was with reference to Reagan's remaining in the hospital?

Mr. Pain: Your Honor—

Mr. Bowers: —Your Honor, I think that is clearly hearsay.

The Court: I agree.

Mr. Pain: The doctor can testify to that if he wants to bring him as a witness for that, I think.

The Court: Well, I, I believe that he [85] could testify as to whether or not Mr. Jones had any personal knowledge of what the doctor might have said. Isn't that what you are asking him?

Mr. De Anda: Yes, this would be for, not the truth, Judge, but to show they did have knowledge, whether it was correct or not, of the doctor's feelings about it because this is based on one of the allegations of negligence that we have, that we have here.

Mr. Bowers: For that limited purpose, we have no objections to it—

The Court: —I think—

Mr. Bowers: —but to prove the doctor's opinion, it is not admissible.

The Court: I know, it does not go to prove the doctor's opinion itself, but that they had knowledge that the doctor had expressed an opinion.

Mr. De Anda: Yes, sir.

The Court: And I will admit it for that purpose.

By Mr. De Anda:

Q. Did, did, in the course of your conversation, [86] did Mr. Jones indicate to you the feelings of

the doctors involved with reference to Logue's being removed from the hospital?

A. Well, that morning, in my presence, Mr. Bowers told Mr. Jones the results or the substance, or the effect of his conversation or investigation with the doctor.

Q. All right.

A. So Mr. Jones and I, late that afternoon, did not go into, to my recollection, as to what the psychiatrist had said. We did have, make reference to, have a conversation about a doctor.

Q. All right.

A. We talked about the information that I knew he had gotten that morning in my presence, and Mr. Jones' response to it was that, that the psychiatrist was, was not, that they were in this, that he was in this position, that he was not bound by and could not keep the man in the hospital based on the psychiatrist's evaluation because that was not a government doctor, he had not been appointed or applied to by the government to evaluate Reagan Logue's condition, and that they had to rely on the medical doctor, that if the medical doctor—in other words, if his [87] physical condition was such that he could be transferred to the jail, then they were going to move him to the jail and it would be up to Springfield to evaluate or somebody to be appointed.

Q. All right, now at the conclusion of that conversation, or did you learn what Mr. Jones had decided to do with reference to Reagan Logue?

A. Well, Mr. Jones informed me that it wasn't his decision; that he had had his orders from Houston. Now I believe—well, from Mr. Slocumb in

Houston, he had told him to transfer the boy back to the County Jail.

Q. All right.

A. And that he, Mr. Jones, had no, there was nothing he could do about it, he was acting upon his orders, and he had transmitted those orders to Mr. Bowers and that was why he was being taken back.

Q. All right, is that the last conversation that you had either with Mr. Jones or Mr. Bowers with reference to Logue's, with reference to Reagan's being transferred back to the County Jail?

A. Well, in that same conversation, we talked about [88] when Reagan would be transported to Springfield.

Q. All right, was that the last one?

A. And also about what precautions were being taken at the jail.

Q. All right, and was that the last conversation that you had with him?

A. Yes. Now I tried to contact Mr. Schorre either Friday night or Saturday morning, but he was still out of town.

Q. All right, the following day, and prior to the time that you found out about Reagan's death, did you have any further conversations with, in this regard, with anyone connected with the government?

A. I don't believe Saturday morning I did. Well, now Saturday afternoon I was called by the United States Commissioner—did you limit your question to Saturday morning?

Q. Well, all right, you were called by the Commissioner.

A. Just to be informed as to the death of Reagan.

Q. Oh, all right.

Mr. De Anda: We will pass the witness, Your Honor.

[89] CROSS EXAMINATION

By Mr. Pain:

Q. Mr. Foster, you indicated that you represented Reagan Logue on at least one occasion and probably on two occasions, is that correct?

A. Well, actually just on the, on the one occasion when he was indicted, and an indictment was returned from, from the Western District, the Austin Division.

Q. Did you consider yourself as being Reagan Logue's attorney as the result of the arrest of May the 22nd, 1968?

A. Yes, I did.

Q. So then that would have been two definite occasions that you would represent, or would have represented Reagan Logue, is that correct?

A. By occasions, you mean two separate criminal charges?

Q. Yes, sir.

A. Yes, sir.

Q. I, I think that you testified earlier that you more or less specialized in criminal law, is that correct?

A. I don't know whether I am specialized, but I [90] have limited my actual trial work to, for the greater part, to criminal cases.

Q. As far as your preference is concerned, you prefer the criminal type work, is that correct?

A. Yes, sir.

Q. What is your ordinary fee for, to represent a client in a criminal charge?

Mr. De Anda: Your Honor, I'm going to object to that as being wholly irrelevant to any issue in this case.

Mr. Pain: Now, Your Honor—

The Court: —I think —

Mr. Pain: —They have filed a suit against the government for, I think, One Hundred Thousand Dollars. Among the allegations in the Complaint is the fact that Reagan Edward Logue had he lived would have contributed quite a bit of money to the Plaintiffs herein, and I think that the fact that Reagan Edward Logue incurred expenses to these Plaintiffs would be quite relevant to those issues of damages.

The Court: I will overrule your objection.

Mr. De Anda: Judge, the Pre-Trial Order [91] is not for a Hundred Thousand Dollars.

The Court: I realize that.

Mr. De Anda: And just as I said, No. 1, No. 2, Judge, the nature of his question to this witness is what he normally charges in a criminal case, and

I think that even if it were admissible at all, it would be as to what he charged Logue to start with. No. 2, Judge, at the time of this occurrence, this young man was eighteen years old and I don't believe, as I understand the law, that he would be entitled to, his parents are not required by law to support him at that age, neither by our civil statutes nor by our criminal statutes under the Texas law, and I believe the criminal law, I believe it is sixteen years of age—

Mr. Maxwell: —Criminal is eighteen—

Mr. De Anda: —and you can be criminally liable up to the age of eighteen, and I think also in, by civil proceedings, that you are liable up to age eighteen, but after age eighteen, you are not, you don't have this responsibility. I think the [92] rule he refers to, as I understand it, are those sections where the law requires the support of a child by the parent.

The Court: I think what you are getting at is that with the background, where he has had to pay legal fees to be defended would cut down on his ability to contribute anything financially to his mother or to his father.

Mr. Pain: At least it would be some offset, Your Honor, that should be considered by the very virtue of the fact that—

Mr. De Anda: —If he's getting into the general area of damages, Judge, I think he can go into specific things about Reagan Logue, I think that is

proper, but to generally go into what he charges in criminal cases, I just don't think it is proper because, No. 1, it is not relevant and not proper on the issues mentioned, maybe on what the Court has just said, I can appreciate that, it might be, but in other words, as I understand, there is, there are under the rules of evidence, [93] under the rules of evidence I understand that he can explore definite areas insofar as Reagan Logue is concerned so the Court can evaluate the damages in the case, just generally, but these area certainly would not pertain to what he charges in the usual criminal case. Now that's what I'm getting at.

The Court: Can you relate it to just what, the work he had done up to the time of Logue's death, as to what his fees would be for those services?

Mr. Pain: All right, sir.

By Mr. Pain:

Q. In connection with your being retained as an attorney for Reagan Logue concerning the Austin charge, did you contact his father concerning this, or did his father contact you?

A. His father first contacted me.

Q. And about when was this, do you recall?

A. Well—

Q. —I will rephrase the question—was it after the indictment?

A. It was after the indictment and probably a week before the arraignment or—

[94] Q. —And the father contacted you concerning the representation of his son, Reagan Logue?

A. Right.

Q. Did you discuss a fee at that time?

A. Yes, I am sure we discussed a fee. Do you want—

Q. —Do you recall the amount of that fee?

A. I don't believe that, that I'd ever, before we went up there for the arraignment, I don't believe that, that we had ever reached any ultimate agreement concerning the final fee.

Q. Then is it your testimony that you don't have any recollection as to the fee that was going to be charged for representing Logue in this ultimate proceeding, is that correct?

A. No. I, I had, had explained to Mr. Logue what my customary fee would be, and in a Federal case involving these types of charges.

Q. What is that customary fee?

A. Well, for the past three or four years, I haven't, I have tried to set a minimum fee of Thirty-five Hundred Dollars. I haven't always gotten that money, but that has generally been my minimum fee.

Q. So even though you may not recall specifically [95] discussing that with Mr. Logue, bearing in mind the fact that that is what you customarily charged, in all likelihood, then, you would have mentioned that Thirty-five Hundred Dollar price to Mr. Logue, is that correct?

A. I probably told him that that would be my normal fee, but when we talked about this entire situation concerning Reagan—

Q. —This entire situation being what?

A. Well, being that the case was pending in Austin,

that there were two indictments, as I recall, and multiple counts and multiple defendants, and I wasn't in a position, I didn't want to set a fee until after I had had an opportunity to talk to the U. S., the United States Attorney in San Antonio, and that if we plead, entered a plea, in other words, if we didn't have to go up there and try that kind of a case, there were some conspiracy counts and things, that my fee, that my fee would probably be about a Thousand Dollars minimum.

Q. So would it be as accurate as we can get it right now to say that you probably quoted Mr. Logue a fee of Thirty-five Hundred Dollars for trial, and a Thousand Dollars for a plea of [96] guilty, is that correct?

A. No, I may not have made it clear. I think that, I am sure I told Mr. Logue that that was the customary, you know, that would be my customary fee, but he, I never did tell Orval Logue that the fee would be anything like Thirty-five Hundred Dollars. We never did discuss the trial fee, because we never did get to the trial, to, to that decision that we were going to have to try the case.

Q. Did you mention a Thousand Dollar fee to him for a plea of guilty?

A. I don't think I mentioned it just for the plea of guilty, Mr. Pain. Mr. Pain, I am not trying to quibble about it, but what I told him was—Mr. Logue gave me Three Hundred Dollars cash as a retainer two or three days before we went to Austin for the arraignment. And prior to the time that I had really discussed the case even by telephone with the United States Attorney, I might have checked out the date

of the arraignment or something, but at that time he, that he gave me that, and I told him, "Well, let's just wait and see what is going to happen. If we just go up there and we have the [97] arraignment, and we have to go back then for the sentencing, I probably won't charge you over a Thousand Dollars." I think that's what I told him.

Q. So the only thing that you did in connection with that Austin charge was the arraignment, is that correct?

A. Well, I had two or three conversations with the U. S. Attorney's office by telephone.

Q. Was Three Hundred Dollars the only amount of money that you got from Orval Logue?

A. That's the only cash I have ever received from Orval Logue.

Q. Did you subsequently send him any more bills in addition to the Three Hundred Dollars that you received from him?

A. No.

Q. Did you mention to, or did you have a conversation with Orval Logue concerning representing Reagan Logue in connection with the sealed indictment out of Laredo?

A. Oh, yes, we had conversations about it.

Q. And you considered yourself as the attorney for that charge as well, is that correct?

A. Right.

[98] Q. And did you mention fees?

A. No, there was never, was never any discussion concerning the Laredo case. I had discussed the Laredo case several days prior to the arrest on that sealed indictment with Reagan.

Q. You had obtained some information concerning that, is that correct?

A. Yes.

Q. Now I think that you testified that you talked to the Deputy Marshal, Gerald Jones, on the telephone on or about the morning of the 21st, excuse me, the 24th. Did you protest at that time to him about the boy's impending transfer from the hospital back to the Nueces County Jail?

A. Well, I didn't know at that time that he was going to be transferred back. In fact, our, our conversation was, was with reference to keeping him in the hospital. I don't know that Mr. Jones and I specifically talked about keeping him in the hospital, but my conversation that morning was more with reference to the Order of Commitment for Springfield.

Q. Did you know the relationship between Deputy Marshal Bowers and Deputy Marshal Jones?

[99] A. Do you mean with reference to who was in line in superiority?

Q. That is correct.

A. I didn't that morning, no.

Q. Did you make any protest to Deputy Marshal Jones concerning the boy's transfer from the hospital to the jail?

A. I did that after, that afternoon when I called him at 5:00, I did.

Q. What did you tell him?

A. Well, I told him that I, that I thought the boy ought to stay there; that I was astounded that the government was putting him back in the County Jail after he had tried to commit suicide there, and that it was against the advise of the psychiatrist.

Q. Now this was on the afternoon of the 24th?

A. This was, yes, Friday afternoon.

Q. Was this before or after the boy had been released?

A. You mean—

Q. —From the hospital to the jail.

Mr. De Anda: Now, Your Honor, that presupposes, that when did you stop beating your wife question, before or after he [100] had been released, that presupposes that the boy had been released and we're going to get into a hassle about that, as to whether or not the doctor released him. I just don't like that word floating around.

Mr. Pain: I will withdraw the word, "release" and substitute "transfer".

The Court: That's all right.

By The Witness:

A. My conversation with Mr. Jones was after Reagan had been removed from the hospital, whether he was already in jail or whether he was in the process of it, it was after I had received information he was being removed, that's when I talked to Mr. Jones again.

Q. At that time, that you made this protest to Deputy Marshal Jones, were you aware of any conversation, if any occurred, between Deputy Marshal Bowers and the doctor again?

A. Only what Mr. Bowers had told me that morning that had occurred.

Q. Now I believe you testified that Mr. Bowers told you that he had talked to a doctor concerning the boy's stay in the hospital, is that correct?

A. He had either talked to the doctor Friday [101] morning or had gone to see the doctor.

Q. What doctor?

A. Gwin is my memory of it.

Q. How do you know it was Dr. Gwin?

A. Well, that's my memory of what Mr. Bowers, who Mr. Bowers told me he talked to.

Q. Could it have been another doctor?

A. I don't believe so, Mr. Pain. I believe he, he, well—

Q. —Could he have mentioned only a doctor and not mentioned him by name and perhaps of the, because of the fact that you knew that Gwin was the doctor, you merely assumed it was Dr. Gwin that he talked to?

A. No, my specific recollection is that Mr. Bowers had some information from Dr. Gwin. Now it could be that he also had talked to another doctor.

Q. Now this, you got this on the morning of the 24th, is that correct?

A. Yes, sir.

Q. At the time that you learned about the boy's transfer from the hospital to the jail, were you aware of any action that Dr. Gwin may have taken in connection with that transfer?

[102] A. No, sir, I wasn't.

Q. Now you had no contact with Dr. Gwin until after the boy's death, is that correct?

A. No personal contact?

Q. Yes.

A. No, sir, I didn't talk to Dr. Gwin until afterwards.

Q. Now you considered yourself Reagan's doctor, excuse me, his lawyer during the time in question, did you not?

A. Yes, sir.

Q. And as his lawyer, you have an obligation to protect him the best way you know how legally, is that correct?

A. Well, I hope so.

Q. To protect his rights?

A. Yes.

Q. And that would include protecting his well being, would it not, in your opinion, if in your opinion you thought his well being was being jeopardized, it would be your duty to protect him as your client, would that not be true?

A. Oh, I think as another human being you would, but this particular boy, I had become pretty friendly with him and he had come by the office [103] while this pre-sentencing investigation was going on, and I, and I would say I was, I had some particular concern in this particular case, perhaps more so than the normal run of my client relationship.

Q. But irrespective of any personal relationship that may have entered, may have interjected itself in this particular case, you as a lawyer would have had a duty to your client to try to protect him, protect his well being in a situation like this to the best of your ability, would you not, as a lawyer?

A. I would think so, yes, sir.

Q. Did you have a fear that Reagan Logue might kill himself?

A. Now, do you mean if he were taken out of the hospital and put back in the jail? Yes, sir, I did.

Q. Did you communicate this fear to anyone?

A. Well, I talked about it with Mr. Bowers and I talked about it with Mr. Jones. And I talked about it with Mr. Vaught, and that was the whole topic of the conversation between the Logue family and myself throughout Friday.

Q. Did you specifically warn them that you were in [104] fear that the boy might kill himself?

A. I don't know that I specifically expressed that opinion to them.

Q. Did you talk to Judge Connally about this fear for Reagan Logue?

A. I don't believe I talked to Judge Connally personally about this matter at all.

Q. My recollection is that Judge Garza was sitting here in this Courtroom right here at that time, or, or at least in this Courthouse, did you talk to Judge Garza at any time about your fear for the boy in connection with being transferred from the hospital to the jail?

A. We came over here to see Judge Garza about an Order of Commitment, yes, we came to the Judge's Chambers that after, that Thursday afternoon, I believe, before his first attempt, and after my conversation with him Thursday morning about letting me proceed with the commitment type Motion.

Q. That was Thursday morning?

A. Yes, sir.

Q. Before the boy had cut himself?

A. Yes, sir.

Q. At that time did you have any fear that the [105] boy might kill himself if he remained in jail?

A. I don't remember that specific fear, but I know, I knew that he was very despondent and I was very concerned over his depressive attitude about being in jail.

Q. Other than discussing the possible commitment to Judge Garza, did you indicate to Judge Garza that you felt that the boy might hurt himself while in the County Jail?

A. I personally didn't talk to Judge Garza on this case at all because it was Judge Connally's case, and I had been over a road like that once before.

Q. Then you didn't discuss this case with Judge Garza at all, is that correct?

A. Personally, I don't believe I did.

Q. Now if you had been in real fear of the boy hurting himself while in the jail, you could have communicated this fear to Judge Connally, could you not?

A. To Judge Connally?

Q. Yes, sir.

A. Do you mean after he was removed back to the County Jail?

Q. Well, at any time that you felt like that the [106] boy might really hurt himself or kill himself and you had a fear of that, you could have communicated that to Judge Connally, couldn't you?

A. I was ready to go to Laredo Friday morning and present myself to Judge Connally.

Q. That was on the Order of Commitment, wasn't it?

A. Primarily, yes, but I am sure that Judge Connally would have asked a lot, you know, he would have wanted to know the entire situation on this; this was a young boy.

Q. But you never did talk to Judge Connally, did you?

A. No, sir.

Q. And you didn't talk to Judge Garza about this boy, either, did you?

A. I didn't personally talk to him, to Judge Garza, but Judge Garza wouldn't have taken any action on this matter anyway. Well, let, let me rephrase that—I don't mean that in a derogatory manner toward Judge Garza; he might have taken some action with reference to calling the Judge in whose Court this was pending, but he wouldn't have taken any affirmative action without contacting the other Judge.

[107] Q. Do you feel like that if you had called Judge Connally and told him that you had a real fear that if Logue were transferred from the hospital to the jail that he would kill himself, do you feel like Judge Connally would have done nothing?

Mr. De Anda: Now, Your Honor—

The Witness: —No, sir—

Mr. De Anda: —I object to that question as being highly speculative as to what he feels the Judge would have done if he would have asked him certain things—

Mr. Pain: —Well, Your Honor—

Mr. De Anda: —That's that's entirely improper.

The Court: Well, he didn't talk to him and I believe that I will sustain the objection, he didn't, you didn't make an effort to talk to Judge Connally at all, did you?

The Witness: No, sir, I didn't.

The Court: All right.

By Mr. Pain:

Q. Now you were the attorney of record in this lawsuit at one time, were you not?

A. Yes, sir.

[108] Q. But you are not now, is that correct?

A. No, sir.

Q. Now the original suit was for a Hundred Thousand Dollars, is that correct, on the, on the Original Complaint?

Mr. De Anda: Your Honor, that is wholly irrelevant to any issue in this case. I don't see—

Mr. Pain: —Well, Your Honor, I think—

The Court: —I will let him go ahead with his questions and see where he is going.

By Mr. Pain:

Q. Now—

A. —I don't know that I know, Mr. Pain. Mr. Edwards, and/or his firm, drew the pleadings, and I don't specifically recall what your—that could be correct.

Q. So under the terms of the Original Complaint, had the Court granted the amount prayed for by the Plaintiffs, you would have stood to gain some Twelve Thousand, Five Hundred Dollars, is that correct?

Mr. De Anda: Now, Your Honor, I'm going to again

object to this line of questioning; No. 1, because he, because as Mr. Pain, I [109] have mentioned, Mr. Pain, as I had advised the Court, that Mr. Foster has no interest in this case and so the question is irrelevant. In the extreme, I don't see any materiality to it whatsoever, whether he had an interest or not. But as a matter of fact, he could not have an interest because before any judgment would have been entered, I am sure that their, that because of the fact that he was a witness, I think that under the Cannons, he would, he could not have, I think it would be a violation of the Cannons for him to have an interest.

Mr. Pain: It is my information that he does have an interest in this lawsuit.

Mr. De Anda: When we started out, as I explained to the Court, when we checked it out, we felt that it would not be proper for Mr. Foster to have an interest, we went over it with Mr. Foster, and Mr. Foster has no interest in the case at the present time. I will be glad for him to ask him while he is on the witness stand, but I just want to cut this thing short.

[110] Mr. Pain: May I inquire into his interest?

The Court: Just a specific question, if he does have an interest of any kind in this lawsuit.

By Mr. Pain:

Q. Do you have any interest of any kind in this lawsuit?

A. Monetarily?

Q. Yes, sir.

A. No, I do not expect to receive one dime out of any moneys that might be recovered in this lawsuit.

The Court: I think that's enough.

Mr. Pain: Well, may I go back and ask him a little bit more about this interest, if I may—

The Court: —Well, Mr. De Anda has precisely stated to the Court that he does not have an interest, he testified he doesn't have, and I think that's as far as we need to go.

Mr. Pain: We have no further questions at this time, Your Honor.

[111] REDIRECT EXAMINATION

By Mr. De Anda:

Q. Mr. Foster, I want to, to touch on some matters that were touched upon by cross examination. The first thing, with reference to your conversations with Mr. Jones as to whether or not you expressed to Mr. Jones your fear that Reagan Logue might commit suicide, and you indicated, as I recall your testimony on cross examination, that you do not recall or you did not specifically mention this to him. Why did you not mention this to Mr. Jones?

A. Well, when I answered that question, I said that I didn't recall specifically conveying that direct fear in those words. There is not any doubt that I

expressed to Mr. Jones my concern over Reagan Logue's safety if he was taken back to the County Jail out of the hospital.

Q. Was that the tenor of all of these conversations?

A. That's right, there wasn't any doubt about how I felt about that.

Q. All right, now were you aware, I believe you have testified earlier, that you were aware that Mr. Jones had been advised of the opinions [112] of the doctors—

A. —He was—

Q. —concerning Reagan Logue and of his suicidal tendencies?

A. Mr. Bowers informed him in my presence that morning about that.

Q. And could your opinion have, have given any more weight, would your opinion have carried any more weight with Mr. Jones than those of the psychiatrist and the doctors that treated Reagan Logue?

A. I doubt it at all, but, but that wasn't the nature of our conversations that afternoon. It didn't have anything to do with my opinions, it was a matter of concern as, as, and as I told him, that the family would pay, in other words, the boy was not in there being treated, or we weren't asking to have him treated at the government's expense, we weren't asking him to be committed there as a welfare case, the family was willing to pay to keep him in the hospital, and to even pay guards, if necessary, to keep him in the hospital. In other words, I expressed to him that if, if, if the government would leave him in the hospital, it would [113] not be necessarily

at the government's expense, so far as we were concerned, we would pay for that.

Q. All right, now there was inquiry about, concerning your failure to contact Judge Connally personally, and, and express any fear that you might have had about Reagan's suicidal tendencies, why did you not make any such effort, Mr. Foster, what happened either before or after that, that might influence you one way or the other in never making any further efforts to see Judge Connally?

A. Well, when Judge, when I was informed that he had signed this Order of Commitment, I assumed that Judge Connally had been informed of the entire situation concerning what had occurred up here. Now you ask me why I didn't contact him that night —

Q. —That was your answer, in other words, you assumed that Judge Connally knew already—

A. —Well—

Q. —the problem?

A. I assumed that Judge Connally knew the situation at the, at the time he signed the Order committing the boy to Springfield.

Q. All right.

[114] A. When Mr. Jones and I that afternoon had that, late that evening that we had the discussion as to when he would go to Springfield, I was informed that it might be as late as Tuesday or Wednesday, that they would act on it as speedily as they could, and I then conveyed to the, to the Logues, I think I told them that we were going to see if we could get it done by Sunday or Monday because it was this staying in the, in the jail at that

time that had been Reagan's, you know, had added to his depressive situation, and I didn't call Judge Connally that night. This was right after 5:00 o'clock when I talked to Mr. Jones, and I was assured by him that he, or some Marshal had talked directly to the jail here, and that complete safety precautions would be taken and so forth, and I just didn't feel like it was the thing to do that night, to bother Judge Connally after, you know, that time of day.

Q. All right, now I don't, I don't have it clear in my own mind, maybe everybody else does, what was your purpose in coming up here when Judge Garza was here, had Judge Garza gotten in this thing somehow, why did you come up here to the [115] Courthouse, was it with reference to Reagan Logue, or did I misunderstand?

A. Well, I believe I testified that I came over here Thursday before Reagan tried to commit suicide, but when I came over here to the Federal Courthouse, it was for, well, here was, here was a Federal prisoner arrested on a Federal sealed indictment out of Laredo, he was being held with no bond, that was supposed to have been in Austin that morning, and that had expressed to me his desire to be committed psychiatrically, and who I, based on my experience, felt like needed psychiatric treatment, and I think I, my recollection is that I came over to the Federal Court that day to, to more or less feel out the situation and see if there was anything we could do immediately. That maybe I, it was probably Mr. Alamia that I talked to, I don't recall specifically talking to Judge Garza about doing anything in connection with the Reagan Logue case.

Q. Well—

A. —I—

Q. —Was it with reference to the commitment which was ultimately signed by Judge Connally [116] that you came over here?

A. Well—

Q. —That's what I'm trying to find out.

A. Right.

Q. Or what occurred or the sequence—

A. —Right—

Q. —with reference to your coming over here?

A. It was more with the commitment, more to do with, with committing him some way. Now I believe that I talked to Mr. Vaught that day because it would have been, would have been so much quicker if the Judge that was sitting here that day could have signed an Order committing him and sending him straight from the Nueces County Jail to Springfield immediately if, if his situation warranted it.

Q. All right.

A. But I never did get to that point on my trip over here.

Mr. De Anda: We pass the witness, Your Honor.

Mr. Pain: I have a couple more questions, Your Honor, if I may.

[117] RECROSS EXAMINATION

By Mr. Pain:

Q. During the conversation that you testified about, that some of, some of the conversation was,

whereby you and Deputy Marshal Bowers were on the telephone talking to Deputy Marshal Jones, do you recall any conversation to the effect that Deputy Marshal Bowers was not to get the boy out of the hospital without a doctor's release?

A. I recall that, that Mr. Bowers wasn't going to do, he was going to leave the boy right where he was until Mr. Jones took the matter up with the Court and advised Mr. Bowers what to do, because Mr. Bowers talked to him about, should he try to find some guards, and there was some conversation between them about whether a guard should be on duty at all times at the hospital, and there wasn't any doubt that the effect, or the end of that conversation was that the boy would stay right there until Mr. Jones got back in touch with Mr. Bowers.

Q. But do you recall any conversation at this time concerning not transferring the boy from the [118] hospital to the jail until there was a doctor's release, do you recall anything to that effect?

A. I don't recall it, but I don't deny that it occurred.

Q. Now do you realize, I suppose, that in connection with the Marshals' actions, they acted under the Court and according to Court Orders, you realize that, of course, as a practicing lawyer in Federal Court?

A. Well, I realize that they don't.

Q. They do not operate under the Court's Order, is that correct?

A. Not at all times. In other words, it is my understanding, as a licensed attorney, in the Federal system, for instance, that if Judge Cox sentenced a

man here, and his sentence necessarily transfers that prisoner to, to the custody of the Attorney General, and from that point on, His Honor would have nothing to do about how the Marshal handled that prisoner unless you went back to him with a Habeas Corpus Petition for reduction or release, or something, how he gets transported around is of no, it is not by the authority of the Court, but it is by the Marshal.

[119] Q. But you do know that if an Order is executed by a Court to protect the welfare of a prisoner, then a Marshal will obey that Order?

Mr. De Anda: Your Honor, as far as getting opinions from Mr. Foster about the law, I don't see that those are material; those are all matters that the Court is fully aware of, and if not, will become fully aware of them without Mr. Foster's opinion.

Mr. Pain: Well, Your Honor, we are—

Mr. De Anda: —As to the function of the Marshal and the function of the Court, I don't know why we, we need Mr. Foster's opinions.

Mr. Pain: It's not so much the fact that, of what the law procedure is, but his knowledge of it, that is relevant, I think, in this particular situation, what he could have done in the situation.

Mr. De Anda: Your Honor, we are not here suing Mr. Foster, and what Mr. Foster—

The Court: —Well, I'm going to sustain the objection. That's far enough on that point.

By Mr. Pain:

[120] Q. Did you warn anyone that Reagan Edward Logue might hang himself with the bandage, with the bandage around his arm?

A. I didn't even know that Reagan Logue that day had a bandage around his arm. I did not warn anybody except conveying to Mr. Jones and Mr. Bowers, both, on that Friday, of my concern for this boy's depressive situation, mentally.

Mr. Pain: Pass the witness.

Mr. De Anda: I have no further questions of Mr. Foster, Your Honor.

The Court: Okay, we will recess until 2:00 o'clock.

The Marshal: Everyone rise, please.

Witness Excused

[121]

(And thereafter at 2:00 o'clock P.M., Court reconvened in the above entitled and numbered cause, all parties present and presiding as before, and the following proceedings were had, to-wit:)

The Court: You may proceed, Mr. De Anda.

Mr. De Anda: Judge, Your Honor, I want to offer into evidence certain portions of the written deposition of Thomas C. Slocomb, Chief Deputy, United States Marshal. Would the Court like for my Co-Counsel to get on the witness chair, it might be easier—

The Court: —Either way.

Mr. De Anda: It's not going to be a long deposition.

The Court: That's the easiest way to do it.

Mr. De Anda: Your Honor, for the benefit of the Court Reporter, and for Mr. Pain, [122] I have indicated here certain parts that I did not intend to offer, and if it is permissible and helpful, I will read them into the record. I will offer all of Page 2; all of Page 3, except Interrogatory No. 10; all of Page 4, except the Interrogatory, the answer to Interrogatory No. 10; all of Page 5, 6, 7, 8, and 9; all of Page 10, except the Interrogatory No. 20. (Talking to Mr. Pain) You can copy that down.

Judge, these are the answers of Thomas C. Slocomb made in response to the Direct Interrogatories propounded to him by the Government. And this was done on January the 21st, 1971, in Houston, and we do not cross the Interrogatories.

The Court: All right.

[123] DEPOSITION OF THOMAS C. SLOCOMB,

the witness having been first duly sworn to tell the truth, the whole truth, and nothing but the truth, testified in answer to the Direct Interrogatories, as follows:

DIRECT INTERROGATORIES

By Mr. De Anda:

Q. Interrogatory No. 1—Please state your name.

A. (The following answers to the Interrogatories were read by Mr. Phil Maxwell and are as follows:) Thomas C. Slocomb.

Q. By whom are you employed?

A. The U. S. Marshal's Service, United States Department of Justice.

Q. How long have you been so employed?

A. Thirty-two years.

Q. In what capacity are you employed?

A. Chief Deputy, U. S. Marshal.

Q. Where is your duty station in such employment?

A. Houston, Texas.

Q. How long have you been at such duty station?

A. Houston has been my duty station for the entire thirty-two years.

[124] Q. State generally your duties in connection with your employment capacity.

A. As Chief Deputy U. S. Marshal, I am second officer in charge. I am second man in administration, directing the overall operation of the District. A Chief Deputy Marshal would be considered in business as an Assistant General Manager.

Q. In what capacity were you employed during the month of May, 1968?

A. Chief Deputy U. S. Marshal.

Q. Was Reagan Edward Logue ever a Federal prisoner in Corpus Christi, Texas? If so, when and where?

A. He was. On two occasions; first, on April the 2nd, 1968, and again on May 22nd, 1968, at Corpus Christi, Texas, on both occasions.

Q. How did you first learn that Reagan Edward Logue was a Federal prisoner, and when?

A. The first arrest was so routine I do not recall how or when I learned of it. The arrest of May 22nd, 1968, as I recall, was reported to me by Deputy Bowers on that date by long-distance telephone.

Q. Did you receive any messages on May the 23rd, 1968, concerning Reagan Edward Logue? If so, [125] state from whom this message was received and the approximate content of such message.

A. Yes, on May the 23rd, 1968, I received a long-distance telephone call at my residence at about 6:30 P.M. from the United States Probation Officer, Howard Vaught, advising me that he, Mr. Vaught, was at the Nueces County Jail, Corpus Christi. That young Logue had inflicted wounds to himself on one of his arms and that the jail authorities had transferred the boy to Memorial Hospital where he was committed for treatment. I informed Mr. Vaught that our resident Deputy, Mr. Schorre, was away from Corpus Christi in travel status; that Deputy Bowers was then in route from Houston to Corpus Christi and would be on hand 8:00 A.M., on May 24th, 1968, to attend to the duties of the Corpus Christi office.

I requested Mr. Vaught to ask the jailer to place guards at the hospital over the Defendant around the clock.

Q. When did you—excuse me—did you receive or originate any subsequent telephone messages in connection with Reagan Edward Logue? If you answer the preceding sentence—if your answer to the preceding sentence was in the affirmative [126] please state, to the best of your knowledge and recollection, the times you sent or received such messages, the person to whom or from whom such messages were sent, and the approximate content of such messages.

A. Yes. On May the 24th, 1968, at approximately 11:30 A.M., I received a telephone call from Deputy Bowers at Corpus Christi, advising that a psychiatrist, as a friend to the family, had visited the patient. The psychiatrist informed that the boy was withdrawing from the use of L.S.D.; that the patient had suicidal tendencies, and the psychiatrist recommended to Deputy Bowers that we leave the boy in the hospital with the guards until such time as he could commit him to a Federal Institution. I questioned Deputy Bowers as to whether or not the Nueces County Jail could take care of the boy when he was able to be discharged from the hospital and until such time as we could commit him to an institution. Deputy Bowers further advised that the Defendant's attorney was in communication with Assistant United States Attorney Blask at Laredo, Texas, concerning the possibility of committing Logue to an [127] institution under Section 4244 Title 28 U. S. Code. I instructed Deputy Bowers to stand by until he received further instructions from me or from supervisory Deputy

Marshal, Gerald Jones. Deputy Jones was attending Court in Laredo, Texas. On the same date, May the 24th, 1968, approximately 1:00 P.M., I received a telephone call or had a telephone conversation with Deputy Jones at Laredo, Texas, advising that Court Order to commit subject under Section 4244 was in the process of being issued and that the same would be mailed to the Houston office that date. I questioned Deputy Jones as to the ability of the Nueces County Jail to hold custody of Logue under his present condition until we could get him committed under Section 4244. Deputy Jones concurred that the jail was suitable. He advised me he had called the jailer, Mr. Tom Lowrance, as a precautionary measure, and requested that they prepare a cell, cleaning it out so that the boy could not possibly again inflict wounds upon himself. Deputy Jones further advised me he had requested the jailer to place a couple of trustees in or nearby the cell to observe the boy. Deputy [128] Jones called Deputy Bowers in Corpus Christi and instructed Bowers to recommit the boy to the jail upon his release from the hospital. Again, on May the 24th, 1968, at approximately 4:30 P.M., I received a telephone call from Deputy Bowers at Corpus Christi advising that he had recommitted the boy to the Nueces County Jail; that the cell had been stripped of all objects that could be used for self-inflicted wounds. He further advised that the boy was placed in a cell convenient for observation by the jail authorities and that the boy had been divested of all clothing with the exception of pajama shorts.

Q. Have you ever had experiences in connection

with the committing of Federal prisoners under 18 U.S.C., Section 4244?

A. Yes, I have.

Q. If the answer to the preceding Interrogatory was in the affirmative, please state the procedure that your office performs and how it performs such procedures when a Federal prisoner is to be committed under 18 U.S.C., Section 4244.

A. When the Court Order under Section 4244 is received by our office, in an effort to expedite, [129] we telephone the case management section of the Bureau of Prisons, Washington, D. C., for a designation. Even though the Court Order may set out a certain institution for commitment, we are obliged to get a designation from the Bureau of Prisons, and they, in turn, notify the institution of the 4244 commitment. In routine cases, we then mail a card to our Prisoner Coordination Office, Washington, D. C., advising them the subject is ready for transfer from our District to the institution. Prisoner Coordination then handles the matter of transfer. That is, they say who in the U. S. Marshal's Service will make the commitment to the institution. In most cases, the commitment under 4244 will be made by the originating District as they try to expedite these type of commitments. However, should there be a Deputy Marshal coming through, or near our way, in route to or in the direction of the institution designated for our 4244 commitment, and provided he has a vacant seat, Prisoner Coordination will have that car come by and pick up from us, transfer, and commit the patient to the institution. This is a measure of economy and good [130] business.

Q. Ordinarily, how long of a period of time does it take from the time a Federal Judge executes a Commitment Order under 18 U.S.C., Section 4244, until the Federal prisoner is actually committed to the mental institution?

A. Ordinarily, eight to fifteen or sixteen days.

Q. Can the period of time mentioned in the above be expedited to a shorter period of time in certain circumstances?

A. Yes, under certain circumstances, especially in emergency cases involving serious illness.

Q. Were you aware of any impending Order of Commitment under 18 U.S.C., Section 4244, in connection with Reagan Edward Logue during May of 1968?

A. Yes, as stated above, I was informed during the afternoon of May 24th, 1968, that such Order was in the process of being prepared, submitted to the Court, and would be mailed to Houston that day.

Q. State how you became aware of such impending Order.

A. I was informed by Supervisory Deputy U. S. Marshal Jones via long-distance telephone that [131] the 4244 Order was in process.

Q. Had you received the Order of Commitment as above mentioned prior to the death of Reagan Edward Logue, how long, to the best of your ability to estimate, would it have taken before Reagan Edward Logue would have been committed to a mental institution?

A. If we had had the Court's Order in hand and the patient in hand, available for immediate transfer, I think that by making long-distance telephone re-

quests to the Washington offices, in this case we could have commenced the trip possibly within twenty-four hours after making the calls. Actual commitment date to the institution would depend upon distance and travel time.

Q. Have you made any written statements or statement in connection with the incidents surrounding Reagan Edward Logue that occurred in May, 1968?

A. Yes. Statement was made to the Federal Bureau of Investigation, Houston, Texas, and a statement was forwarded to the Executive Office of U. S. Marshals, Washington, D. C., which was requested by the Civil Division of the Attorney [132] General's Office.

Q. Please submit a copy of such written report to the officer taking this deposition.

A. We do not have a copy of the statement made to the F.B.I. I hand you a copy of the statement furnished the Executive Office of U. S. Marshals, Washington, D. C.

Mr. De Anda: Your Honor, in reference to the last Interrogatory, that completes the portions of the Interrogatories that I wish to offer, but I really don't, couldn't understand whether this was a full, whether he made two copies of one statement, or whether he made two statements, do you know, George?

Mr. Pain: Apparently there were two statements; one to the F.B.I., and this other one here, and this is the one that he submitted. (Indicating)

Mr. De Anda: Do you have a copy of the other one?

Mr. Pain: I don't know. Do you want it?

Mr. De Anda: I may since you asked about it in this Interrogatory. I think, Judge, that we are entitled to look at it even, [133] even if, though the witness didn't have it, if Counsel has it.

Mr. Pain: Your Honor, I will make a search of my file; if I have that statement, the statement that he made to the F.B.I. agent, I will give it to him.

The Court: All right.

Mr. Pain: May I just do that sometime today?

Mr. De Anda: There's no rush on that.

The Court: This evening or tomorrow.

Mr. Pain: Your Honor, perhaps this isn't the proper time to bring it up, but I would like to inquire of the Court, or first of all before I inquire of the Court—there was one question, there were two questions omitted by Mr. De Anda. One question I am not concerned with, the other question I am concerned with. It's on Page 10 of the deposition, starting at Line 3, that he did not read, and I would like to have that read and the answer made for the purposes of the record, and apparently Mr. De Anda is going to object to that, that's the reason he did [134] not put it in, am I correct in that?

Mr. De Anda: There were two reasons, Your Honor. Yes, I would intend to object to it; let me read the

Interrogatory to you and the Court can pass on it. "During the time in question, did you intend to expedite the committing of Reagan Edward Logue in and when your office received the Order of Commitment under 18 U.S.C., Section 4244?"

The answer to that question I have no objection to, which is as follows: "Yes, I intended to make every possible effort to expedite the matter. However, before we can commence we should have the Court's Order in hand and we must have custody of the subject. In other words, in this case, this young man was in the hospital."

Well, the reason, Judge, that I didn't offer that part is, that he infers in his answer that when the man is in the hospital he is not in the Marshal's custody, and I did not want to be bound by it, and I don't agree with it, and still don't [135] agree with it, and I think that even though, and other evidence will show he was quite clearly in the Marshal's custody in the hospital, and—

The Court: —Well—

Mr. De Anda: —I just—so I didn't, I didn't want to be bound by that, and that was the reason I didn't want to read that part, although that is responsive to the question. But even then he goes on to say—"We in Houston did not know the extent of his illness or how long he would be in the hospital. We must have the Defendant available for transfer and we want the attending physician to advise us whether or not the Defendant is physically able to travel."

Then he goes on to, to say, and I don't want to be bound by this, but I want to explain the answer to the Court, he talks about the boy being released from the hospital and he goes into other matters which are wholly unrelated to the Interrogatory that was asked him. And, and I don't believe, I don't believe, for that reason, for that [136] reason it is inadmissible. Now this part might be admissible except I don't feel like I want to be bound by it, because I don't feel, and didn't feel it was an accurate and correct statement.

Mr. Pain: If he is worried about being bound by it, I will accept that portion as being my testimony in direct, then.

Mr. De Anda: I anticipated—

The Court: I was going to suggest, why don't you go ahead and anything that he didn't put in evidence himself in that deposition, that you want to put in, then just ask it as though it were cross examination, you may go ahead and do that.

Mr. Pain: All right, may I go ahead and do that now?

Mr. De Anda: Yes, when you conclude I am going to make my objections just as if an ordinary witness were testifying.

The Court: Yes, yes, that's right.

Mr. Pain: And so the record won't be too disjointed,

I will start over at this particular point concerning the question and answer we were just discussing. It [137] starts on Page 10, at Line 3.

"Question—During the time in question, did you intend to expedite the committing of Reagan Edward Logue in and when your office received the Order of Commitment under 18 U.S.C., Section 4244?

Answer—Yes. I intended to make every possible effort to expedite the matter; however, before we can commence we should have the Court's Order in hand and we must have custody of the subject. In other words, in this case, this young man was in the hospital. We, in Houston, did not know the extent of the illness or how long he would be in the hospital. We must have the Defendant available for transfer and we want the attending physician to advise us whether or not the Defendant is physically able to travel. I learned that the boy had been released from the hospital around 4:30 P.M., on Friday, May the 24th, 1968, and recommitted to the Nueces County Jail. The hour of the day was so late that the Washington offices were closed, they being one hour [138] ahead of us, making it impossible for us to commence any telephoning."

And that constituted the question and answer.

The Court: All right.

Mr. De Anda: All right, Your Honor, I don't believe it will be necessary for me to repeat the objections that I made. The Court has heard them, but I would add that the only part I am not objecting to is that

portion which says, "Yes, I intended to make every possible effort to expedite the matter." The remainder of the answer is not responsive to the question that was asked, which is simply whether or not he intended to expedite the committing of Reagan Edward Logue when he received the Order of Commitment. And as to, also there is the further objection, Your Honor, to this business about the release, that he learned that the boy had been released from the hospital, in that we don't know from that answer his source, whether it is based on hearsay, speculation, or who he talked to, [139] or who he did not talk to, other than it might be related to what has already been testified to, that there was a telephone conversation. But I believe that we excluded the business about the release and that was my, that was my objection to that particular part.

The Court: Well, just to that particular part, where you used the word, "release", well, I will sustain the objection, but otherwise, I'm going to let it in. It is the same situation that we talked about earlier this morning when you changed the word, "release", to "transfer", and that's the reason I am—

Mr. Pain: —Your Honor, in connection with that, perhaps rather than rule at this time, could you carry that particular issue along with the case because there is further evidence in this case which may, could very well validly show a release.

Mr. De Anda: Your Honor, rather than carry it along, let's put the burden on him to reintroduce it at such time as [140] it becomes admissible.

The Court: I think we've got to be consistent at this point as far as release is concerned. If you establish that there was actually a release, then, this is just going to be repetition anyway, so we will just, I will sustain the objection to the answer only with regard to the use of the word, "release".

Mr. De Anda: All right, sir.

Mr. Bowers: Perhaps we could limit the tender with the term, "release", to, to the knowledge of Mr. Slocomb's mind at that time and not as an issue of whether or not there was one.

The Court: The word, "release", to me is a legal term and, and it implies certain legal aspects that the word, "transfer", does not, and I think it is a conclusion that we are dealing with. And that's the reason that I have, I sustained the objection earlier and I sustain it at, at this time. I may change my mind, if I do, why I will, I will put it back in, but—

[141] Mr. Bowers: —Yes, sir.

The Court: —but at this time, I will sustain the objection.

(Close of Deposition)

Mr. De Anda: Your Honor, I have previously marked for identification, or the Clerk has, Plaintiff's Exhibit No. 1, which is the hospital record of Memorial Hospital, at Memorial Medical Center for the

hospitalization of Reagan Logue, showing an admission on May the 23rd, 1968, and a dismissal on May the 24th, 1968, covering that period of hospitalization. And I now offer it into evidence, those medical records, Judge.

Mr. Pain: We have no objections to them.

The Court: All right, that will be admitted.

Mr. De Anda: Judge, I might point out to the Court, if I might, the only, the only significant, well, it is all significant, I suppose, but the first three pages of the records may aid the Court when we offer Dr. White's testimony, [142] which I intend to offer next.

The Court: All right.

Mr. De Anda: Your Honor, I'll have Mr. Maxwell make the responses of Dr. White.

The Court: All right.

Mr. De Anda: And I now offer into evidence, Judge, the deposition of Dr. James H. White, which was taken at the University of Texas Medical Branch, John Sealy Hospital in Galveston, on April the 23rd of 1970.

The Court: Okay, you may proceed.

[143] DEPOSITION OF DR. JAMES H. WHITE

the witness having been first duly sworn to tell the truth, the whole truth, and nothing but the truth, testified as follows, to-wit:

DIRECT EXAMINATION

By Mr. De Anda:

Q. This is Direct Examination, Your Honor—
The Court: All right.

By Mr. De Anda:

Q. Doctor, would you please state your name?

A. Dr. James H. White.

Q. Doctor, where do you reside at the present time?

A. Galveston, Texas.

Q. And what is your profession?

A. I am a physician and I am a Fellow in Child Psychiatry.

Q. Are you licensed to practice medicine in the State of Texas?

A. Yes, I am.

Q. And has your license been filed in the District Clerk's Office of this County for the practice [144] of medicine?

A. Yes, it has.

Q. Doctor, after the completion of your graduate studies, where did you go to school?

A. I interned at Memorial Medical Center, Corpus Christi, July 1, '67, until July 30, 1968.

Q. Where did you go to medical school?

A. The University of Texas Medical Branch in Galveston.

Q. And you completed your medical school when?

A. On June the 14th, 1967.

Q. And what sort of degree did you obtain?

A. Doctor of Medicine.

Q. And then following your graduation from medical school, you interned at Corpus Christi, at the Medical Center?

A. Yes, sir.

Q. All right, sir, after you completed your internship, then what did you do?

A. I returned here to the University Medical Branch and did one year of residency in the Department of Psychiatry. Following that, I was given a Fellowship in Child Psychology here at the University. For a period of two months, November and December, 1969, I was Chief of the State [145] Hospital of Psychiatry.

Q. What are you doing at the present time, Doctor?

A. I am a Fellow in Child Psychiatry.

Q. Here at the University of Texas Medical Branch?

A. Yes, that's right.

Q. I take it, then, you are specializing and will specialize in psychology?

A. Child and adolescent psychiatry.

Q. What ages would that encompass?

A. Up to approximately the age twenty.

Q. Doctor, have you ever had occasion to treat or see Reagan Logue?

A. I saw him in the emergency room at Memorial Medical Center in Corpus Christi.

Q. And when was that, Doctor?

A. May 23rd, 1968.

Q. And what was the occasion, and where was it that you saw him?

A. He was brought into the emergency room from the jail after having inflicted a wound in his left arm.

Q. What was the nature of the wound, as to its severity and as to the condition of the patient speaking from a physical standpoint?

A. A two centimeter laceration of the left [146] antecubital vein.

Q. Would you describe the wound as a serious wound?

A. It was bleeding profusely because of the involvement in the vein. However, it was treated in the emergency room with sutures.

Q. Then was there anything else unusual about Reagan Logue? Did you make any type of diagnosis apart from the laceration?

A. The patient was acutely psychotic.

Q. Doctor, by being acutely psychotic, can you, in layman's terms, describe or define that phrase for us?

A. He was mentally ill at the time; insane, if you wish. He obviously could not differentiate reality; he was actively hallucinating at the time.

Q. And by actively hallucinating, what do you mean?

A. He was having visions, he was seeing such things as God, Jesus, and Angels.

Q. In other words, Doctor, would it be fair to say when you saw him on May the 23rd, that he was crazy, in the lay sense, someone completely out of touch with normalcy?

A. He was.

Q. Having made the diagnosis and having made, [147] having examined him, did you also treat him for his cut?

A. His cut was sutured and he was given a tetanus toxoid shot.

Q. Then what was done to him?

A. He was given intramuscular thorazine, which is a tranquilizer, and which is the treatment of choice in an emergency situation for someone who is actually psychotic. He was then hospitalized in a locked room, in an enclosed room, and was continued on doses of thorazine, large doses, every six hours.

Q. What was the purpose of this medication?

A. This medication is the specific treatment for someone who is actively psychotic, in order to calm them. A person who is psychotic as he was, and has made one suicide attempt is, in my opinion, likely to make another one. With proper medication this often can be prevented.

Q. So that was the purpose of medication?

A. Yes.

Q. And can you describe the seclusion room you mentioned; what kind of room was it?

A. It was, at the Memorial Medical Center, they have a room with a steel door that was locked. [148] There are heavy detention screens on the windows, and there were no protruding objects in the room. It was a completely bare room with a mattress on the floor.

Q. And what would be the purpose of having a completely bare room with no protruding objects?

A. It removes all possibilities of a patient harming himself, or as nearly as possible to removing them.

Q. Yes, sir. Insofar as Reagan Logue's ability to stand or move around, or to do things, did this medication have any effect on his ability to do these things?

A. The medication is somewhat sedating; once a person becomes acclimated to it, it does not interfere with their activities.

Q. I see. After you saw him in the emergency room and made your diagnosis, Doctor, at whose, by whose authority was he admitted into the hospital?

A. At that time he was admitted by the intern at Memorial on duty. We must admit patients jointly with the Staff Physician, and I contacted Dr. Shannon Gwin, who is the Staff Psychiatrist at Memorial, and he was admitted.

[149] Q. While he was there, and following this admission, did anyone from any law enforcement agency stay there?

A. No, not that I know of.

Q. All right, did you, after he was admitted, Dr. White, did you have occasion to discuss his condition or the course of treatment or anything else pertaining to Reagan Logue with any member of the U. S. Marshal's Office?

A. I admitted the patient to the hospital around 6:30 P.M. The next morning, at approximately 8:00 A.M., after I had got off of the emergency room duty, I was preparing to leave town and the patient would be left under the care of Dr. Gwin, but before I was at home, and before I actually left town, I received a call from a man whose name I do not recall, but he identified himself as a U. S. Marshal.

Q. All right, sir, what was the, can you relate as best you can the conversation that transpired?

A. As I recall it, the Marshal asked me why Mr. Logue was in the hospital, was it because of the injury to his arm, or was it because of his mental condition. And then I asked the Marshal if the reason he was hospitalized would have [150] any bearing on whether or not he removed him from the hospital, and he told me, "No, it wouldn't, that it was a matter of who was financially responsible." I told the Marshal that the patient was hospitalized because of his mental condition, that I felt he should remain in the hospital, or else be transferred to another psychiatric facility, but should not be returned to jail at this time.

Q. All right, sir—

A. —That was the end of my conversation with him. I did not talk with him again.

Q. Did the Marshal say anything about it to you in response to what you had told him?

A. He indicated to me that he would not take him out of the hospital.

Q. All right. Doctor, what would be the reason that you would not have recommended that he be taken from the hospital at that time, other than to be placed in another hospital?

A. Because the patient was severely mentally disturbed at that time, and he had already made one suicidal attempt, which I felt was a serious one, and had inflicted an injury, and the possibilities of making another suicidal attempt, [151] in my opinion, were pretty great.

Q. I see, so you felt that either for him to remain where he was, or be removed to another similar facility, was really the only proper thing to do?

A. That is correct.

Q. Doctor, I believe you mentioned earlier that you are specializing in child and adolescent psychiatry, is that correct?

A. Yes.

Q. Would you think a young man of Reagan Logue's age—I believe he was seventeen at the time, according to his—

A. —It says eighteen on the medical records.

Q. All right, at the time, in his psychotic condition, would he be the type of patient you work with that falls within your speciality?

A. I have worked with patients of his type before, with an illness of his nature.

Q. Were you acquainted at all with this boy's history, Doctor?

A. Only to the extent that he had previously been under the care of another psychiatrist in Corpus Christi, by Dr. Cecil Childers; that he had ingested LSD, lysergic acids on several occasions [152] prior to his being incarcerated, and that he had made a previous suicide attempt.

Q. Did you obtain any history from him, or was it from other sources, or from the patient?

A. It was obtained from his parents who were present when he was brought to the emergency room.

Q. I see. Doctor, from your examination of this patient, and based on your medical knowledge, do you have an opinion based on reasonable medical probability as to whether or not Reagan Logue could have been cured, or rehabilitated from the psychotic condition from which he was suffering at that time?

A. With proper medical treatment, in my opinion,

there is a reasonable probability he could have been rehabilitated.

Q. Now using the word, "rehabilitation," is that in a permanent sense or some other sense?

A. That is impossible to say.

Q. All right, by rehabilitating someone who has, whether it be because of drugs or for some other reason, who is psychotic, in reasonable medical probability, a person who is rehabilitated, can that person proceed to lead a normal life, [153] free of the problems which we might associate with this type of mental condition?

A. There is a probability that they can.

Q. Would the fact that this boy, as then, eighteen years of age, would this be in his favor, or against him insofar as rehabilitation is concerned?

A. The fact he was young would be in his favor.

Q. Was his condition such, Doctor, that it would be apparent, even to a layman, that this boy was mentally disturbed?

Mr. Pain: Your Honor, I will object to that. He is asking the Doctor what it would appear to be to a layman, and I object. Now he can ask the Doctor's opinion, but as far as asking the Doctor what it would be, would appear to a layman, I will object to that.

The Court: I will sustain the objection.

Mr. De Anda: May I make a small protest, Your Honor?

The Court: Sure.

Mr. De Anda: The nature of the question, Your Honor, was, as I intended, I think, his reasonable interpretation of it, [154] whether these symptoms would be obvious to anyone. In other words, you can have a mental condition that only a doctor might appreciate, or recognize, or you can have a mental condition that anyone, by the very nature of the symptoms, would recognize, and I think certainly that would be, if it does require an expert witness to answer the question, that that would be within his expertise as a way to describe this patient's symptoms, that was my purpose in the question.

Mr. Pain: Your Honor, well, Your Honor, the answer that he gives in the record there, without stating it, it just states what a layman would perceive.

The Court: I am going to sustain the objection.

Mr. De Anda: All right, sir.

Judge, might I read this into the record for the purposes of my exception to the Court's ruling?

The Court: Sure.

Mr. De Anda: The reason—"In my opinion it would be apparent to a layman."

[155] Well, let me, maybe, Judge, if the next question I asked him was this, and let me ask the Court now if this is proper, "And why would it be apparent to a layman, Doctor, what were the symptoms that he manifested?" Would the Court permit that question?

The Court: Not the first part of it.

Mr. De Anda: All right.

The Court: You can, you can ask a doctor what symptoms were apparent for him, and I think his answer would be, it would be satisfactory, but I think the way that question is phrased, I'm going to have to sustain an objection on that, too.

Mr. Pain: The first sentence of his answer, Your Honor, I have no objections to, but I do object to the second sentence of the answer and also the questions.

The Court: I am going to sustain the objection, both to the question and to the answer.

Mr. De Anda: All right, how about the second part which was, "What were the symptoms that he manifested?"

The Court: Let me see how that is stated. (Looking at instrument) Mr. Pain, your objection was to the last sentence of the answer?

Mr. Pain: Yes, sir.

The Court: I will admit the second part of the question and the first sentence.

Mr. De Anda: All right, sir.

By Mr. De Anda:

Q. What were the symptoms that he manifested?
Line 20.

A. Okay, because he was psychotic, he was talking rather openly about his hallucinations of seeing things that were not there.

Q. All right, did you have the occasion to see him subsequent to his discharge from the hospital?

A. I did not see him after the night that I admitted him.

Q. Was his removal from the hospital, and his return to jail, in your opinion, medically a very unsound thing to do?

A. In my opinion it was medically contri-indicated.

Q. All right, and his removal was contrary to your recommendations?

[157] A. It was.

Q. That you made to the Marshal?

A. It was.

Q. Doctor, based on reasonable medical probability, could you have anticipated that Reagan Logue, if removed from the hospital and taken to jail, would again make a suicide attempt?

A. I think this was a reasonable possibility, and this was one of my main reasons for hospitalizing him.

Q. That is also your reason for suggesting to the Marshal that he be kept in the hospital, or transferred to another medical facility?

A. It was.

Mr. De Anda: Your Honor, the next questions are cross examination by Mr., Mr. Pain, but I will go ahead and read them.

Mr. Pain: If you are getting tired, I will read them.

Mr. De Anda: Okay, why don't you.

Mr. Pain: For the purpose of helping to save his voice, I will go ahead and read these.

The Court: Okay, he sounds weak.

[158] CROSS EXAMINATION

By Mr. Pain:

Q. I notice on the hospital records, on the progress notes which I think is the third Page of such records, that you made a notation to the effect of, and I quote, "U. S. Marshal told patient should remain here until transfer to another hospital, but Judge Connally ordered him returned to jail." Is that your handwriting?

A. It is.

Q. And you made that entry in these particular records, is that correct?

A. I did.

Q. And you were the one that told the Marshal this by telephone on the morning of the 24th?

A. I did.

Q. Is that correct?

A. I did.

Q. Now this was in response to this particular Marshal calling you and asking you what would keep the patient in the hospital, is that correct?

A. He asked me why I had hospitalized him; more specifically, was it because of the cut or was [159] it because of his mental condition. He offered me those two alternatives.

Q. Now, if we can, let's try to pin down this telephone call a little more specifically. I think that you have testified it was about 8:45 in the morning, Friday, May the 24th, if I understand correctly?

A. I think I said around 8:00 o'clock.

Q. Around 8:00 o'clock?

A. As near as I can tell. I left early that morning for Galveston, and I get off duty at 7:00 A.M., so it must have been around 8:00 because I was at home.

Q. Now you had been on duty up until 7:00 A.M., on the morning of the 24th of May, 1968, at Memorial Medical Center, is that true?

A. That is correct.

Q. How long had you been on duty?

A. We were on duty for twenty-four hour periods. I began at 7:00 A.M. on the morning of the 23rd, and was relieved at 7:00 A.M. on the morning of the 24th.

Q. This twenty-four hour period of duty does not call for, does not necessarily call for your being awake at all times and performing your [160] duties at all times, does it?

A. No, only when there are patients in the emergency room, or in the rest of the hospital, that are in need.

Q. There are facilities available for you to get a night's rest, then, if there are no pressing emergencies for you to take care of, is that correct?

A. That is correct.

Q. Do you recall that you got a good night's sleep that night or not?

A. I do not recall.

Q. Do you recall if you had a very busy day beginning at 7:00 A.M. on the 24th of May, 1968?

A. I do not recall how busy. Our duties on that emergency room were highly variable and I do not remember how busy I was that day or night.

Q. You say you were planning a trip on the morning of the 24th?

A. That is correct.

Q. By what mode of transportation?

A. I drove.

Q. And where did you go?

A. From Corpus Christi to Galveston.

Q. Had you been up all night attending to patients [161] without any appreciable sleep or rest, would you have attempted that trip?

A. I probably would have left later, however, I probably would have made the trip.

Q. Where were you when you received this telephone call from the person who identified himself as a United States Marshal?

A. I was at home.

Q. Where was that?

A. 1521 Ocean Drive, Corpus Christi.

Q. Is that an apartment number?

A. There is one there, but I do not recall what it was.

Q. Could it have been Apartment 5?

A. It might have been.

Q. Are you married now?

A. No, sir.

Q. Were you married at that time?

A. No, sir.

Q. Did you have any roommates where you lived?

A. I lived alone.

Q. How old are you now?

A. Twenty-seven.

Q. And you were twenty-five at the time?

A. That is correct.

[162] Q. Referring again to this entry, when are such entries made on this particular document?

A. This particular record is not the one that is ordinarily used. If you will notice at the bottom, this is a Short Stay and Physical. Had the patient been in longer than forty-eight hours, we would have used a different form. So when he was dismissed early, this form was filled out and it was filled out after the patient's dismissal from the hospital when the medical record was returned to me for completion.

Q. Is that the ordinary course of doing business with these particular types of records here?

A. That is the general procedure since one can not always anticipate whether a patient will be a short stay or a long stay, and that is the reason for that.

Q. Do you recall when you made this entry?

A. I do not recall exactly; however, I generally did my medical records as soon as they were returned to me, which would put it early the following week.

Q. So perhaps Monday or Tuesday?

A. Monday or Tuesday, probably.

Q. I notice on here that the notation quotes, [163] "but Judge Connally ordered him returned to jail." How did you know that?

A. When I returned from Galveston the following day I heard on the radio as I approached Corpus Christi that a boy named Reagan Logue had hung himself in jail. When I got back to Corpus, I telephoned Dr. Gwin who told me that Judge Connally

had ordered him to be taken out of the hospital. That is my only source of that information.

Q. When did you telephone Dr. Gwin?

A. I telephoned him the next morning.

Q. That would have been Monday morning?

A. That would have been Sunday morning. I went to Galveston and returned the same day.

Q. That would have been Sunday morning, May the 26th, 1968?

A. That is correct. It could have been Monday, but I think it was Sunday, I can't be sure.

Q. But you did travel from Corpus Christi on the 25th, excuse me, on the 24th, to Galveston, and returned back to Corpus Christi on the same day?

A. I believe I did. Again, I am not certain, I would have to check my calendar.

Q. I think I misstated the question. Now you would [164] have returned back to Corpus Christi on the 25th, then, if you heard that over the radio.

A. It may have been the 25th, I do not recall whether I stayed overnight in Galveston that Saturday night or not.

Q. Saturday was the 25th?

A. I believe, wasn't Saturday the 24th?

Q. I don't believe so, sir.

A. I do not recall what day I returned.

Q. Nevertheless, you left Corpus Christi on the 24th?

A. The day after I saw the patient, I know I left for Galveston the following morning.

Q. That would have been the 24th?

A. That is correct.

Q. The 24th of May, 1968?

A. That is correct.

Q. And you do not recall whether or not you came back from Galveston to Corpus on the same day, or whether it was the following day?

A. I do not remember.

Q. And you do not recall the day that you called Dr. Gwin, whether it was Saturday, Sunday, or Monday?

A. I do not recall.

[165] Q. Where did you call him?

A. I was back in Corpus Christi when I called him, and I don't recall whether I called him at his office or at home.

Q. The first news that you heard of the boy's death was over your car radio while traveling from Galveston to Corpus Christi?

A. That is correct.

Q. Is that correct?

A. Yes.

Q. When you made this entry, were you aware of any discussions that had occurred between one of the Deputy Marshals, Deputy Bowers, and Shannon Gwin?

A. After I called him, he told me he had also talked to a Marshal, and the Marshal had telephoned him, apparently, after he telephoned me that morning.

Q. Were you aware of any personal conference between the Deputy Marshal and Dr. Gwin at the hospital?

A. I do not recall.

Q. You don't recall his mentioning it?

A. I do not recall.

Q. So you have no knowledge of any such personal

[166] conference, if there was any, between Deputy Bowers and Dr. Gwin at the time you made this entry, is that correct?

A. Possibly not.

Q. Well, you just said—

Mr. De Anda: —And then Mr. De Anda says, "Just for clarification, do you know who Mr. Bowers is, or do you know him?"

The Witness: I do not know him, no. I do not know whether Dr. Gwin had told me of having a personal conference with the Marshal or not at the time I wrote this, because I do not remember exactly when I wrote it.

By Mr. De Anda:

Q. The question continuing—

By Mr. Pain:

Q. Had he told you about the personal conference? Do you recollect him telling you any of the contents of the conference?

A. The only thing that I recall specifically regarding his conversation with the Marshal was, whether it was in person or on the telephone, was he also recommended that the patient remain [167] in the hospital or be transferred to another hospital.

Q. But that could have been by telephone, could it?

A. It could have been:

Q. Do you recall being interviewed about a week later by an F.B.I. agent, Penrod Harris?

A. I do.

Q. And about what time was Reagan Logue first brought to you in the emergency room for treatment?

A. He was brought to the emergency room at 5:15 P.M.

Q. On what date?

A. May the 23rd, 1968.

Q. When he first came in, what was the first thing you did?

A. After examining the patient, examining his wound, I sutured the wound.

Q. Did you notify his parents or make an attempt to do that first?

A. I believe that his parents accompanied him to the emergency room, if I recall correctly, or they were there shortly after he arrived.

Q. Did you state to the F.B.I. agent that since the boy was apparently under twenty-one, his [168] parents had to be notified prior to your performing any treatment on him?

A. This is our general policy. I am sure they were either notified or were there, and I do recall them being there. Now whether they were there at the time I sutured him or not, or gave permission over the telephone, I do not recall.

Q. Didn't you have to wait for awhile for them to come and get permission to give the boy treatment?

A. I may have, I do not recall.

Q. Do you recall the presence of the boy's parents while you were treating the boy, Reagan Logue?

A. I recall talking with them, yes.

Q. Do you think that you would recognize them again if you were to see them?

A. I doubt it. I only saw them briefly that one time.

Q. Do you recall the impression that you got of Reagan Logue's father when he came in?

A. I do not recall any particular impression.

Q. Didn't you state to the F.B.I. agent that when he came in, Reagan's father was extremely hostile, smelled of alcohol, seemed to be a little drunk, and that he impressed you as being an unsavory character?

[169] A. That could possibly have been, I do not remember.

Q. That doesn't refresh your recollection any?

A. No, it doesn't. There is, that is a fairly common occurrence in an emergency room, to have people come in in that condition.

Q. And then didn't you find it necessary to confer with the father for a short while before he would give permission for you to treat Reagan Edward Logue?

A. I do not recall.

Q. Didn't you confer with a lawyer during this time concerning Reagan Logue's treatment?

A. There was a lawyer who was there with the parents.

Q. Do you recall his name?

A. I believe it was Marvin Foster.

Q. And had Logue and his parents both stated to you that Logue had been on an LSD trip about a month ago?

A. As I recall, they did.

Q. Now about, along about this time didn't you make a recommendation that Logue be hospitalized on the psychiatric floor of the hospital?

A. Yes, I did.

[170] Q. And to be put in a seclusion room with maximum security?

A. I did.

Q. This was your recommendation?

A. Yes.

Q. Do you recall any reluctance on the part of the parents, either one?

A. I do not recall.

Q. But they ultimately agreed, whether it was soon or later?

A. They did agree.

Q. But if there was any reluctance, you don't recall any, is that correct?

A. I don't recall it.

Q. It was upon the parents' request, wasn't it, that Dr. Gwin was contacted, is that correct?

A. I believe it was.

Q. And it was during this contact that you had with the patient and the parents in the emergency room, that this was first brought up, is that your recollection?

A. What was first brought up?

Q. The contact with Dr. Gwin.

A. I believe so. Generally, in emergency room cases, there was a psychiatrist on the staff [171] who was assigned to cover with regard to patients who came in who did not have their own psychiatrist and needed psychiatric treatment. I do not recall if Dr. Gwin was assigned that night, or whether this was a specific request on the part of the parents.

Q. Was another doctor assigned on duty that night, a Dr. Walker?

A. It may have been. His name appears on the

front sheet of the report, as a matter of fact, he probably was.

Q. And is he a psychiatrist?

A. He is a psychiatrist; however, when the parents, the family makes a specific request for a doctor, according to the rules of that hospital, they may have whichever doctor they choose. The doctor on call is merely the one there and when the family has no specific request—

Q. —Was it your understanding that Dr. Childers had seen Logue for psychiatric consultation?

A. It was my understanding he had seen him briefly.

Q. But it was not for any length of time?

A. I do not believe that it was.

Q. Was it further your understanding that Logue's father had apparently made it difficult for [172] Logue to obtain treatment from Dr. Childers?

A. I do not know. I never obtained any of the particulars of his previous treatment from Dr. Childers.

Q. So since you don't recall anything about the difficulty that Logue's father may have made for him in seeing Dr. Childers, you wouldn't know exactly how he made it difficult?

A. I wouldn't know.

Q. You prescribed thorazine, the first dose to be given intramuscularly, and subsequent doses to be given orally.

A. That is correct.

Q. And then he was taken to the psychiatric ward right after this, or his stay with you at the emergency room?

A. That is correct.

Q. About what time was he taken to the psychiatric ward?

A. I believe around 6:30 P.M.

Q. Would you—

A. —I will look—

Q. —check the records to make sure?

A. According to the record, he was discharged from the emergency room at 6:35 P.M., which [173] would be the time he was transferred.

Q. Did you go with him up to the psychiatric ward?

A. I do not recall. I don't believe so. I believe that I checked on him once later that evening.

Q. Didn't you indicate to the F.B.I. agent that you did not see Logue again after you saw him at the emergency room?

A. It is possible that I did not.

Q. And that would not be necessarily untrue, I mean, you just don't recall whether or not you saw him or not?

A. I do not recall. If I did see him again, it would have been only briefly that night, or it may have been, or it may have just been to check with the nurses on his general condition.

Q. If you did see him, it may have been that you stuck your head inside the door and glanced—

A. —That's right, it would have been very brief.

Q. So your contact with Reagan Logue was from a period of time on the 23rd of May, 1968, from about 5:15 until about 6:30 P.M., is that correct?

A. That is correct.

Q. About an hour and fifteen minutes?

A. Yes.

[174] Q. Now during this approximately hour and fifteen minutes, did you have other patients that you were taking care of?

A. As I recall, there were other patients in the emergency room.

Q. Did you have duties in connection with these other patients?

A. I am sure that I did, although I do not recall the nature of the patients.

Q. And wasn't there a certain period of time after Logue arrived at the emergency room that you had to wait for his parents before you could do anything with him?

A. There could have been.

Q. About how many other patients were in the emergency room, to the best of your recollection, in addition to Logue, that you would have had duties with?

A. I can't even begin to recall; that is highly variable.

Q. There could have been as few as zero?

A. That is correct.

Q. Is it your recollection that you were with Logue constantly from the time that he was in the emergency, was admitted to the emergency room, [175] until he departed for the psychiatric ward?

A. I believe I was with him intermittently.

Q. Did you talk with him much?

A. I talked with him while I was suturing the wound, and again after I had sutured it.

Q. Is that the only conversation you had with him?

A. I believe so.

Q. While you were suturing the wound, do you

recall the contents of the conversation you had with him?

A. Not precisely.

Q. Can you tell us, generally, what it was?

A. Well, I believe that, generally, what I usually do in a way is ask him how he was feeling. When he appeared to be psychotic to me, I asked him what was wrong, and he appeared to be seeing things, or hallucinating, and I asked him specifically what he was seeing, and he mentioned God, and Jesus Christ, and the Angels. I asked him if he could tell me when was the last time he had taken any drugs, and I asked him specifically had he taken LSD recently, and as I recall, he stated he had taken it about a month prior to that time.

Q. Did you make any conversation as to the wound [176] that he had on his left arm?

A. I believe I did. I don't recall the nature of it.

Q. You mentioned some conversations after you sutured his wound, do you recall, generally, those?

A. As I recall, I went back and talked with him a little further after I sutured his wound, and had gotten the impression that he was extremely disturbed, and I believe I did have a conversation with him about putting him in the hospital, but I don't recall the exact content of the conversation.

Q. Do you recall talking to his mother?

A. I do.

Q. And what was the content of that conversation?

A. Other than recommending that he be put in the hospital, and that I was concerned that he might make another suicidal attempt, I don't recall.

Q. Did she appear to be rational?

A. As near as I can remember, she did.

Q. Do you recall talking to his father?

A. I recall talking to him, yes.

Q. Do you recall what the context of your [177] conversation was?

A. No, I don't. I may have even talked to both his mother and father together.

Q. Is his father a big man?

A. I believe he was.

Q. About how old, would you say?

A. If I remember correctly, he appeared to be a man around forty-eight to fifty years old.

Q. Was his mother younger or older than his father?

A. I do not recall.

Q. Didn't Dr. Gwin subsequently telephone you later that night?

A. I believe he did, but I do not recall specifically. However, I admitted the patient under Dr. Gwin, and I must have talked with him at some point that evening, because it was my general practice to talk with the staff physician before admitting a patient to them. Possibly the patient was originally admitted under Dr. Walker, then the parents later requested Dr. Gwin to look in, and he may have called me then, I do not recall.

Q. Assuming the patient was admitted under Dr. Walker, and Dr. Gwin assumed the care of the boy at the request of the parents, and Dr. Gwin [178] called you later that night, at that point he would have taken over the care of the patient, would he not?

A. He would have.

Q. And the patient would have been his responsibility, as far as the hospital is concerned, is that correct, is that a correct statement?

A. That is correct.

Q. You were due to get off duty the following day at 7:00 o'clock A.M., which would have been the morning of May the 24th, 1968, is that correct?

A. That is correct.

Q. Now before you left the hospital, did you receive a telephone call from a man who said he was a Deputy, a U. S. Marshal, but you didn't talk to him, do you recall that?

A. I may have, I do not recall.

Q. The nurse gave you this message, didn't she?

A. She may have, I don't recall. The only conversation I specifically recall was the one I had received after I had returned home.

Q. Do you recall telling the nurse to tell the man that since Dr. Gwin had agreed to take the case, any communications about Logue should come [179] from Dr. Gwin?

A. I may very well have said that.

Q. Do you recall shortly after arriving at your home from the hospital, receiving a call from the hospital insurance office, from perhaps a Mrs. Johnson?

A. I do not recall.

Q. You don't recall telling her that you did not wish to comment on the patient because he was Dr. Gwin's patient?

A. I do not recall.

Q. Did anyone ever tell you of the precautions that were taken in the Nueces County Jail to receive Reagan Edward Logue there at the Memorial Medical Center?

A. I understand that he was not allowed to have any clothing other than underwear in the cell, but that is all I know about it.

Q. And from what source did you get this information?

A. I don't remember; it just happens to stick in my mind is the only thing I recall about it.

Q. Do you know where you received this information?

A. I do not know.

Q. It would have been after the boy had already [180] died?

A. Yes, it would have been after I had returned also.

Q. And then shortly after you got home from the hospital, on the morning of the 24th, you got a second telephone call, this time from a person who identified himself as the Marshal, is that correct?

A. I received a call from the Marshal. I don't know whether I got another phone call before he telephoned or not.

Q. And if you would—I realize it was covered in direct examination, go over this again, what he said to you and what you said to him, as to the best of your recollection.

A. Sir?

Q. What did he say, first, to you?

A. The conversation—he identified himself, and I believe that the main point of the conversation was that he asked the specific reason that I had recommended hospitalization for this patient; whether it was due to the injury to his arm or whether it was due to his mental condition. I believe then that I

asked him if what I said was going to make a difference as [181] to whether or not he removed him from the hospital. I also believe that the reason that he called me was he could not get in touch with Dr. Gwin at that time, but I am not sure about that, and he stated to me, as I recall, that this was simply a matter of who was financially responsible for the hospital bill. That if he was hospitalized because of the cut, then the government was responsible for the charges; and if he was hospitalized because of his mental condition, then the person would be responsible. And I told him that he was hospitalized because of his psychiatric or mental condition.

Q. What else did you tell him?

A. I believe I recommended that he remain in the hospital, or be transferred to another hospital, but not be returned to jail at that time because I felt that the possibility of making other suicide attempts were fairly high.

Q. You believe, you say you believe this, could you state for a certainty you did say this to the Marshal?

A. I'm certain in my own mind that I said this.

Q. That if the boy were to be removed, it should [182] be to another mental institution, but not to the jail, that was the sum and substance of what you told the Marshal?

A. Yes, that is right.

Q. After you told the Marshal that, what did he say, if you can recall?

A. I do not recall that he made any particular comments about it.

Q. Did you have anything else to say to him?

A. I do not recall. As nearly as I remember, that was the end of the conversation.

Q. What is a Kerlix bandage?

A. This is a rather long and strong piece of gauze-type material that is used in applying pressure dressings, where a wound had been sutured or repaired, and prevents the possibility of bleeding underneath the skin. It is a general practice to apply a pressure bandage, and this usually consists of a Kerlix and an Ace bandage, which is an elastic type bandage around the region of the arm. It would be applied in a circular motion around the arm.

Q. And that is the medical practice in this type of wound, and you ordered this particular [183] bandage put on there?

A. I did.

Q. Do you recall stating to the F.B.I. agent that the Kerlix bandage should not have been used?

A. I do not recall. My recollection was that when he was returned to jail, that this was what he used to hang himself with. Now in the seclusion room at Memorial Hospital, there was no complications of having this type of bandage because there was nothing it could be attached to, to hang himself with. What he attached it to in the jail cell, I don't know.

Q. What effect did your hearing about the boy's hanging himself have upon you when you were driving back to Corpus Christi?

A. I was very surprised and shocked because as far as I knew, he was still in the hospital.

Q. And I think you stated on direct examination that you regarded the actions of the Marshals in removing the boy as being unsound?

A. I did.

Q. Would you perhaps change your mind if you knew the contents of the conversation between the Marshals, or the Deputy Marshal and Dr. Gwin on the afternoon of May the 24th?

[184] A. I suppose that depends entirely upon what the contents of that conversation was. From my knowledge of the case, and my own opinion, it was unsound to remove him from the hospital to the jail.

Q. But that was with the information you had at that time?

A. With the information I had at that time, yes.

Q. You mentioned on direct examination that thorazine is a type of medication that is sedating.

A. It has a sedating effect, yes.

Q. But that on some people who have perhaps become accustomed to using it, it has no effect, am I quoting you correctly?

A. No, what I said, once a person becomes accustomed to it, the sedating effect of thorazine is not marked or noticeable, it still has the tranquilizing effect.

Q. Would you be able to tell in the contact that you had with Reagan Logue whether or not the thorazine that you gave him had this sedating effect?

A. As I recall it, it did sedate him.

Q. Have you had much experience with patients who [185] have taken LSD trips, or who have been using LSD?

A. Yes, I have had a fair amount of experience with them.

Q. Had you had less experience in May of '68 than you do now, though?

A. Certainly, however, at that time I had had some experience with it during the time I was in medical school, and the time I had spent at Memorial Hospital.

Q. Can you give an estimate of how many patients you had treated for LSD reactions up until May of '68?

A. Just estimating, I would say about six or eight.

Q. About how long would an LSD trip last, would the hallucinations last?

A. It depends on whether you are asking about the specific effects of the drug itself, or the after-effects, which some people have.

Q. Let's start with the specific effects.

A. The specific effects of the drug itself, generally, do not last longer than twelve hours, and we do not know them to last for more than twenty-four hours. Those are from the direct ingestion of the drug.

[186] Q. What are the other effects?

A. Some people, for unknown reasons, and this occurs erratically, and is unpredictable, some people will become psychotic after ingestion of LSD, and will remain that way, as if they were still on a trip, and will continue to hallucinate and continue, in lay terms, to be "crazy", for a lengthy period of time, up to several months following the ingestion of LSD. It is also known that some people, for some unknown reason, will take a trip, as they call it, on LSD, will recover within a twenty-four hour period of time, and then anywhere from a few days to several months later again experience the same symptoms when they originally took the LSD without getting it again.

Q. To the best of your knowledge, did Reagan Logue have access to LSD while in the hospital?

A. To the best of my knowledge, he did not.

Q. What type of clothing did he have on when he was brought into the emergency room, do you recall that?

A. I do not recall. My general impression was that he had on a shirt and a pair of slacks, but I don't recall, really.

[187] Q. Didn't you make a search of him to determine if he, perhaps, had some LSD or other drugs in his pockets?

A. I did not, but it is the general practice of the psychiatric unit when a patient goes into a seclusion room, he takes off all his clothes and they are searched, and he is placed in hospital pajamas.

Q. Was this done?

A. It is the ordinary and customary practice of Memorial.

Q. Back to the effects of LSD—I think you mentioned that it causes psychosis; would the term, "causes psychosis", be more accurate than the term, "tripping", a latent psychotic underlying situation that an individual may have?

A. It would be more accurate to say it would be a reaction to toxicity, or a psychotic reaction resulting from the ingestion of the drug.

Q. That would last perhaps twenty-four hours?

A. That would be your limited effect, the effect of the drug. The longer lasting reactions, those that come back later without reingesting of the drug, it would be more accurate to say [188] they were latent psychosis of personality disturbances which

were upset or triggered off by ingestion of this drug. This is something that is not precisely known at this time even.

Q. So if you have two individuals taking the same dose of LSD, one individual has a latent psychotic personality, and the other individual is normal and is, as far as you can tell, a normal person, normal, and they both take LSD, and the one with the latent psychotic personality traits is more likely to have those long-term post-effects, is he not?

A. One usually makes this prediction. Unfortunately, it does not necessarily hold true.

Q. It is more likely?

A. It is more likely, yes, I believe that would be correct.

Q. It is not uncommon for a normal person without these latent psychotic personality traits to take LSD and just be through with it after his initial hallucinatory period?

A. It is not uncommon at all. In fact, this is probably what occurs in a majority of the cases.

Q. In your own mind, when did Dr. Gwin assume [189] the responsibility for the patient from you?

A. Technically, he assumed responsibility from the time the patient requested him to take over. However, in all actuality, he assumed responsibility at the time I went off duty the next morning, because the intern comes into the emergency room for the night.

Q. Wouldn't Dr. Gwin enter into the primary responsibility of the patient at the time that he made his initial visit to him in the hospital?

A. Technically, yes.

Q. And if he did make a visit to the patient in the

hospital at about 8:00 o'clock on the night of the 23rd of May, 1968, then from that period on, he would have had primary responsibility and not you?

A. That is correct.

Q. And consequently, when you told the Marshal that he should not be taken to the jail, that if he were to be taken anywhere it should be to another mental hospital, that was during the period, a period of time where Dr. Gwin had primary responsibility for the patient, isn't that correct?

A. That is correct. As I recall, I believe I [190] suggested to the Marshal that he should contact Dr. Gwin before doing anything, which I understand he subsequently did.

Q. Do you have any reason to disagree with Dr. Gwin's decision?

Mr. Pain: And Mr. De Anda says, interjects, "Wait just a minute, what decision are talking about?"

And Mr. Pain—"To release the patient."

Mr. De Anda: "Well, I will make the objection at the time of trial; that doesn't mean Dr. Gwin made that decision. If Dr. Gwin had made that decision, that he could be released back to jail, yes, I would agree."

Mr. Pain: Any comment?

Mr. De Anda: None.

By The Witness:

A. It is my understanding he recommended that he remain in the hospital also.

Q. Now when you left the hospital at 7:00 A.M. on the 24th of May, 1968, which was a Friday, when was the next time you returned to duty at the hospital?

[191] A. Well, of course, I assumed my regular patient duties, which at that time I believe, I believe I was on the obstetrical service on Monday morning. I probably, my general practice was to have one of the other interns with me make rounds on my other patients in the hospital when I was gone, so he probably did that on Saturday and Sunday, and I returned to my duties on obstetrical services on Monday morning. Now when my next tour was in the emergency room, I don't recall. We took this about once every ten days, I believe.

Q. So you didn't return to the hospital for any type of duty prior to the following Monday morning?

A. No, I certainly had no emergency room duties before the next week.

Q. Did you conduct any tests on Reagan Logue when he was admitted?

A. When he was admitted, I ordered the hospital routine laboratory studies, which I believe consisted of urine analysis, blood count, and a chest x-ray, and then I ordered three specific studies which were serum glutamic oxaloacetic—

Mr. Maxwell: I will just give this to [192] the Reporter.

Mr. De Anda: I have been waiting for that ever since he started.

Mr. Pain: Judge, these studies are difficult to

pronounce, and I don't even know if the Court Reporter spelled them correctly, I am suspicious of that, it wasn't this Court Reporter—

The Court: —Well, just let her copy it from the, from the record; I don't need to hear them.

Mr. Maxwell: Okay.

Mr. De Anda: Anyway, he was just referring to some tests that he ran, apparently, with reference to the drug ingestion which he goes on to explain.

(The following terms were given to the Court Reporter and are as follows: "which were serium glutamic oxloacetic, transaminace pyruvis, and analactic dehydrergenase.")

[193] By The Witness:

A. The reason for ordering these tests was because in any patient where there has been a drug ingestion, one cannot be certain with which one he has ingested, and which might be toxic to liver, and this was my routine and the other psychiatrists' routine in this particular type of case.

Q. Isn't there a test to determine whether a person has ingested LSD, a specific test for that?

A. No, at that time there was not, and as far as I know, at this time there is not. At any rate, if such a test were available, it was not available at Memorial Hospital. There were only two common tests that were available for Memorial for drugs, one for barbituates, and the other for bromides.

Q. Can you state how long a patient should remain in the hospital, a patient such as Logue, who has apparently attempted suicide, and apparently is under the influence of LSD, how long should he be kept in the hospital?

A. It depends entirely on the patient's clinical progress and condition.

Q. How long about would it take to determine that?
[194] A. I would want at least a week of observation. Generally, I will keep a patient who has made a suicidal attempt at least a week.

Q. When did the results of those tests that you ordered become available?

A. They were not available until after the patient was discharged because the blood was not drawn until the following morning after his admission. This, again, is generally hospital procedure, that blood for the laboratory work be drawn the morning after it is ordered before breakfast is served.

Q. So, in making whatever diagnosis for treatment that you may be called on to make, had you been so called on, you would have without benefit or tests, or the results of the tests?

A. That is correct.

Mr. Pain: No further questions at this time.

Mr. De Anda: Physically, was the boy in good condition as far as your tests showed, other than the laceration?

The Witness: He was in satisfactory physical condition.

Mr. De Anda: Doctor, that's all that I [195] have.

(Close of Deposition)

Mr. De Anda: Judge, may I have just a few moments?

The Court: Why don't we take a fifteen minute recess right now and that will give you a chance to get your thoughts together.

(After a short recess, Court reconvened in the above entitled and numbered cause, all parties present and presiding as before, and the following proceedings were had, to-wit:)

The Court: My apologies to the lawyers; I had a conference call that involved lawyers in Washington and Houston, and they wanted to argue a Temporary Restraining Order over the phone and I had a little trouble getting off the telephone, [196] but I'm sorry that I delayed you.

You may proceed.

Mr. De Anda: Your Honor, the next witness, evidence that we will present, will be the deposition of Dr. Shannon Gwin, which was taken here in Corpus Christi on—what date was that—Judge, this was damaged by the Hurricane—

Mr. Maxwell: —March the 11th, 1970.

Mr. De Anda: March the 11th, March the 11th of 1970. Your Honor, this is Mr. Pain's Direct Examination, but I am offering it.

[197] DEPOSITION OF DR. SHANNON GWIN,
the witness having been first duly sworn to tell the
truth, the whole truth, and nothing but the truth,
testified as follows, to-wit:

DIRECT EXAMINATION

By Mr. De Anda:

Q. Would you please state your name, please, sir?

A. Shannon Gwin.

Q. And you are a medical doctor?

A. Correct.

Q. Do you practice here in Corpus Christi?

A. Correct.

Q. How long have you practiced here in Corpus?

A. Fifteen years.

Q. Would you please state your educational and
professional background, please, sir?

A. I went to the University of Texas Medical
School in Galveston; internship in Wichita Falls; I
took my residency in psychiatry in Galveston, com-
pleted it in 1955, and have practiced here since.

Q. And do you have a specialty?

A. I am a psychiatrist.

[198] Q. And how long have you been in that spe-
cialty?

A. For fifteen years.

Q. And here in Corpus Christi?

A. Correct.

Q. What hospitals are you admitted to practice?

A. In Spohn Hospital, Memorial Hospital, Thomas-
Spann Clinic Hospital, Doctors' Hospital, Physicians

and Surgeons, I think that's the name of it now, it used to be out here on Weber, I think it is the P & S, isn't it?

Q. The P & S, Physicians and Surgeons, right. And what associations and societies are you a member of?

Mr. De Anda: And then I interjected, Judge, "For the record, if you want to, I will be glad to stipulate that the doctor is a specialist in psychiatry and qualified and licensed to practice medicine in the State of Texas, if it will save you time."

And then Mr. Pain continues—

By Mr. De Anda:

Q. All right, and do you have your license on file here in Nueces County?

A. Correct.

[199] Q. Do you know the deceased in this case, Reagan Logue?

A. I met this young man on the day that he was admitted to the hospital, at Memorial Hospital, on May the 23rd, 1968, I went up to see him that evening.

Q. Is that the first time you had met him?

A. I had met him one time before, but not as a patient.

Q. You had just met him one time casually prior to that?

A. Correct.

Q. At that time, on the 23rd of May, you did know him by sight, is that correct?

A. Correct.

Q. And you are admitted to practice in the Memorial Medical Center, is that correct?

A. That is correct.

Q. And this terminology, Memorial Medical Center, that is a hospital out there, is that correct, sir?

A. Right.

Q. And how long have you been admitted in that hospital?

A. Since I came to Corpus Christi, fifteen years [200] ago.

Q. And being admitted to that hospital for a period of fifteen years, you have admitted many patients to that hospital?

A. Correct.

Q. And, consequently, you have also released many patients from the hospital?

A. Correct.

Would you explain the mechanical procedure that you go through after you make the determination to admit a patient to this hospital, what mechanical procedure you go through to get this patient admitted to Memorial Hospital?

A. Well, now, I will answer that, but I will tell you that, that this, in this particular instance, the circumstances were a little bit different from the usual.

Q. All right, what I am after is, what you ordinarily do, not on this particular instance.

A. Under ordinary circumstances, I call the admission office and find out if they have a place, space for the patient, where the space is, and tell the persons who are to bring the patient in, where to take him, to take him to the admission office if, unless he is disturbed, [201] under which conditions sometimes they take them directly to the floor.

Q. Do you ever follow this up with any written

memorandum to the effect that the patient has been admitted by you, or is this ordinarily done purely orally?

A. This is usually done orally.

Q. And during the period that you, or during the period that the admitted patient, or your admitted patient is in the hospital, you have control over what medications he receives, and what treatment he receives, is that correct?

A. Correct.

Q. And would it be accurate to say that when the patient no longer needs the hospital facilities to which you have admitted him, you would release him?

A. That is correct.

Q. Would you explain the mechanical procedures that you go through when you cause a patient to be released from the Medical, excuse me, from the Memorial Hospital?

A. An order is written—

Mr. De Anda: —Then I interjected—

“This is in the usual case and not in [202] this case?”

And then Mr. Pain continues—

By Mr. De Anda:

Q. That is correct, that is in the usual case.

A. An order is written on an order sheet instructing the nurses to dismiss the patient and to whom and under what circumstances; in other words, if the patient is discharged to go home, then that is fine, he would be discharged either to someone, if it is

felt that this is appropriate, or to himself, if this is felt to be appropriate, and if he is discharged under other circumstances, say, being transferred to some other hospital, then this is written, that he is to be discharged in that manner. In other words, to be discharged to, well, for instance, if a patient is being transferred to a State Hospital, the patient is usually discharged to some Deputies who are to accompany the patient to the State Hospital.

Q. Now you say some entries are written down, you don't write those entries down, do you, sir?

A. Yes, sir.

Q. You do?

A. Yes, sir.

[203] Q. What form do you use in writing these entries down?

A. What do you mean, what forms?

Q. Well, what is the piece of paper that you write that down on?

A. On an order sheet.

Q. Is that part of the hospital records?

A. Correct.

Q. Do you actually make the entry itself, or do you merely initial or sign after the entry has already been made?

A. It can be done either orally, under which conditions it is subsequently initialed or signed, or it can be written directly.

Q. I see, so there would be two mechanical records whereby the entry or the dismissal is reflected on paper, one would be where you get an oral order, it is written down on the hospital document and you later sign it, is that correct?

A. Correct.

Q. And the second instance would be—

A. —Excuse me, usually if an order, say, is given for a patient to be discharged, if the order is given, say, over the telephone, then subsequently you would write your initials under [204] that order which has been written, say, by a nurse up there.

Q. Uh-huh, and the second instance would be where you, yourself, would make the entry?

A. Right.

Q. Indicating the release?

A. Right, if you happened to be on the floor and the chart readily available, then you would, in all probability, write the order yourself.

Q. What ordinarily determines whether or not you release a patient from the care of a hospital?

A. Well, if we have the authority to, to take care of the patient, in other words, if the authority is given to us by the patient himself, then we determine whether he is to be admitted, and when he is to be discharged on the basis of how we feel his condition is. If we have the authority through some other source, through commitment and so forth, then we can do it with or without the approval of the individual.

Q. Would it be an accurate statement to say that when you authorize a patient to be released, that medically speaking, he no longer needs the facilities of the hospital?

A. Well, no, this is not true, because a number of [205] our patients are transferred to another hospital for further treatment.

Q. All right, if you were to release him to another

instance, or institution other than another hospital, then would it be an accurate statement to say that he no longer needs the facilities of the hospital?

A. That would depend on whether we had the authority to hold the patient against his wishes. In other words, we can only treat without agreement or cooperation on the part of the individual if we have the authority, the authority is vested by a commitment purposes, or procedures, rather.

Q. Or from the patient itself?

A. Correct.

Q. Now you are aware, are you not, of Reagan Logue's admittance to Memorial Medical Center on May 23rd, 1968, are you not, sir?

A. Yes, I am.

Q. Did you make the initial admitting of this particular patient?

A. No, he was admitted through the emergency room.

Q. Do you know what doctor, if any, admitted him?

A. According to the emergency room notes, he was [206] admitted by a Dr. White.

Q. Do you know Dr. White?

A. I do.

Q. Is he still in Corpus Christi?

A. No, he was an intern at that time. He is presently in Galveston doing a psychiatric residency.

Q. What was the admitting diagnosis initially?

A. According to Dr. White, he was admitted because of a laceration in the left cubital fossae with a diagnosis of psychotic reaction secondary to LSD or some other drug, or ingestion of some other drug.

Q. Did that diagnosis remain the same during his tenure at the hospital?

A. Correct.

Q. Now, Dr. White admitted Reagan Logue, did you subsequently become involved with Reagan Logue?

A. This young man's mother called me and asked me to see the boy. I went up to see him that evening. I saw him—let's see—according to the nurse's notes, about 8:00 o'clock that evening, and then I saw him again the next morning about 9:45.

Q. So the first time you saw him was about 8:00 [207] o'clock on May the 23rd, 1968, is that correct, sir?

A. That is correct.

Q. Now the process, or when you made your initial visit to him, did you at the time become his doctor for purposes of the hospital?

A. I did.

Q. Was there any formal entry or formal recognition of that fact made, other than your visit to him?

A. No formal recognition.

Q. Is it just something that is accepted if you go visit?

A. It is, if you are requested to visit him, or requested to take care of him, as I was requested by his mother.

Q. And in your mind, and to the best of your knowledge, all the hospital minds, you became that patient's doctor?

A. Correct.

Q. And being that patient's doctor, you had control over what treatment and/or medications that he

was to receive while he was in the hospital, is that correct, sir?

A. Correct.

[208] Q. Would it be accurate to say that you superceded Dr. White as being Reagan Logue's doctor when you entered the picture at that time?

A. Well, you see, an intern is not a patient's doctor per se. He is a patient's doctor under the supervision of a so-called staff doctor.

Q. And you were the staff doctor?

A. Correct.

Q. Under whose supervision Dr. White was acting?

A. Actually he was substantially under the care of the intern on the psychiatric service at that time—wait a minute, I guess this is White, isn't it, yes, this must be White, this must be White.

Mr. De Anda: And I said, "Yes."

The Witness: Yes, sir.

Mr. De Anda: And then Mr. Pain continues—

By Mr. De Anda:

Q. After the patient received the treatment in the emergency room, was he later transferred to another portion of the hospital?

A. Correct.

Q. And what was that?

A. On the seventh floor.

Q. And what particular portion of the hospital was [209] that?

A. This is the psychiatric floor.

Q. And would you state again, for the record, the psychiatric diagnosis for admitting?

A. He was admitted with a diagnosis, presumptive diagnosis of psychotic reaction secondary to LSD or some drug ingestion.

Q. Would you explain what a psychotic reaction to LSD might be?

A. Apparently this boy had lost touch with reality; had expressed some religious idolations; told the nurse up there that he felt that, he felt strange, like the world was moving and he was standing still; that he felt that his spiritual self was much greater than his physical self, and expressed to her that he would like to be spiritual all the time, which could be accomplished by his dying.

Q. What was the means of information that told you he had obtained LSD?

A. This was elicited from the doctor in the emergency room who admitted him; then I subsequently found out from his mother that he had been at least accused of this on several previous occasions.

[210] Q. Do you have any objective means of telling whether or not a person is high on LSD, or is under the influence of LSD?

A. It cannot be told per se. We can tell if the patient is, is, if the patient appears to be out of contact with reality, but as to whether it is due to the ingestion of some toxic agent or some drug, that must be elicited by virtue of history.

Q. What—

A. —In other words, a psychotic reaction could exist without the ingestion of drugs; it could be on the basis of so-called indigenous, illness, or some-

thing without any apparent reason that we can attribute it to.

Q. Could you rather briefly describe the term, "psychotic"?

A. Briefly, I would say it is a loss of contact with reality.

Q. What, if anything, did you prescribe for Reagan Logue?

A. He was given only medication for pain. He had previously, he had previously received orders, or orders had been previously given for him to receive a so-called transquilizer, thorazine.

[211] Q. Now his initial admittance, was that based upon some injury to him?

A. As I say, he had a laceration of the left cubital fossae, here—

Q. —Do you have any indication as to what caused that?

A. I think it was self-inflicted.

Q. It is your information and belief it was an attempt at suicide?

A. This I would assume.

Q. And how long was Reagan Logue in the hospital?

A. He was discharged on 5-24-68, which was the morning after his admission, the night or evening of the 23rd of May, he was admitted to the seventh floor of Memorial at 6:45 P.M., on May the 23rd, and was discharged, discharged at 3:30 P.M. on the 24th.

Q. And you did authorize the release of Reagan Logue from the hospital, is that correct, sir?

A. Correct.

Q. And since you have only met him, had only

met him one time before, you had no awareness of whether or not he may have used narcotic drugs or hallucinatory drugs in the past, is that correct?

[212] A. I learned this through other sources, or I learned, I was told this through other sources.

Q. Were you told this at the time he was in the hospital or sometime subsequent?

A. Prior to his being in the hospital.

Q. Prior to his admission to the hospital?

A. Correct.

Q. And you have never treated, you had never treated Reagan Logue before this time in the hospital?

A. That is correct. It is my understanding that he had been treated by another psychiatrist.

Q. Now the circumstances surrounding Logue's stay and release from the hospital, did you have anything, any conversations with any Deputy United States Marshals during that time?

A. Yes.

Q. And do you know how many Marshals you talked to?

A. I think two.

Q. Do you recall their names?

A. No, I do not.

Q. Do you recall the time and roughly the context of those conversations?

A. There was a U. S. Marshal outside of Reagan's [213] room when I saw him on the evening of the 23rd, whom I just spoke to as I entered the room. Then on the morning of the 24th, a U. S. Marshal, another U. S. Marshal, a different U. S. Marshal was on duty outside of Reagan's room at that time. Reagan was in a seclusion room.

Q. Do you recall any conversations with any Deputy Marshals concerning his release and transfer back to the Nueces County Jail?

A. I was contacted by phone on the 24th.

Q. Do you recall about what time, whether this was in the morning or the afternoon?

A. I think probably it was in the afternoon.

Q. All right, sir.

A. I was informed that Reagan was to be discharged to be taken back to the jail, so I asked the nurse to write the discharge order for him to be discharged to the Deputies upon their coming for him.

Q. Did you have any personal reaction to this, like any opposition to this?

A. I had no real authority to have any opposition.

Q. And you didn't, didn't voice any opposition or any opinion as to the patient's well being to the Marshal, or if you did, or did you?

[214] A. I think the Marshal asked me if I thought that he should be discharged, or if I thought that he should be discharged from the hospital, and I said that it would probably, probably be more preferable for him to be removed to another hospital.

Q. So the conversation that you had with the Marshals concerning his release was over the telephone, is that correct, sir?

A. I talked to a Marshal up at the hospital the morning of the 24th, but then I had no further talk with him.

Q. When you talked with him on the morning of the 24th, was that in connection with his release?

A. This is when I told him that I thought that Reagan should remain in the hospital or be transferred to another hospital.

Q. Have you ever treated Reagan Logue's mother, Mrs. Logue?

A. I have.

Q. And when have you treated her?

A. I will have to get that chart, excuse me just a second. I will have to apologize to you, I can't find that record and my secretary is gone. I am not too good at finding charts.

[215] Q. If I may, Doctor, on your own independent recollection—

A. —Yes, this was several years ago; I'd say four or five years ago when I first saw her, and then I subsequently saw her about a year ago for two or three visits.

Q. When you saw her four or five years ago, was that the initial visit that she had with you?

A. Correct.

Q. How many times did she consult with you during that period?

A. I saw her, well, I had her in the hospital for a month or several weeks, and then I saw her on several occasions after she was discharged from the hospital, I saw her as an out-patient.

Q. Do you recall the diagnosis upon which you had her in the hospital on that visit four or five years ago?

A. I don't remember whether it was depression or whether it was anxiety reaction; I don't remember what her, her diagnosis was at that time.

Q. And you say she again visited you about a year ago?

A. That is correct.

[216] Q. And what was her problem at that time, if you recall?

A. She was brought into the hospital after having made some, some reported suicidal gesture.

Q. Did you admit her to the hospital?

A. Correct.

Q. Do you recall if she was in any way injured?

A. She had a mark around her neck which was reported to have been caused by an electric light cord, I think, being put around it by herself, I think.

Q. And your information, just to the best of your knowledge right now, was that that was a possible suicide attempt by hanging?

A. At least it was a gesture.

Q. Have you ever been aware of Mrs. Logue's abusing drugs, to any extent?

A. I know that she had on occasion taken a rather large, rather large quantities of sedatives.

Q. Do you know Mrs. Logue in any other way, other than professionally?

A. No, sir.

Mr. De Anda: And then my cross examination continues—

The Court: All right.

[217] CROSS EXAMINATION

By Mr. De Anda:

Q. Doctor, have you referred to any notes other than the hospital records?

A. That is all.

Q. During your testimony?

A. That is all.

Q. All right, now, and I refer you to those hospital notes, on the third page, I'm sorry, on the second page where it has the diagnosis in the emergency department, I presume that that is the admitting diagnosis, is that right?

A. Where, where are you referring to?

Q. Where it has emergency department diagnosis, treatment, and then disposition.

A. Right.

Q. Now the admitting, is that the admitting diagnosis?

A. Correct.

Q. That you referred to earlier in your testimony?

A. Correct.

Q. I believe that refers to some lacerations, or at least one laceration, and then it has the [218] notation, "psychotic reaction", is that right?

A. That is correct.

Q. To LSD?

A. Correct.

Q. And then on the first page of the hospital records, the final diagnosis is only, "psychotic reaction to drug ingestion, parenthesis (perhaps LSD) close parenthesis."

A. This was a presumptive diagnosis, yes.

Q. All right, then the results, again, shown on the first page of the hospital records, indicates that the condition was unimproved, is that correct?

A. Unimproved or essentially unchanged.

Q. Or unchanged, and that would be at the time of his leaving the hospital?

A. Correct.

Q. And that is signed by Dr. White and also by you?

A. Signed by Dr. White and undersigned by me, that is correct.

Q. And that would be, that would indicate that this is Dr. White's opinion and your opinion, and in which you concur?

A. Correct.

[219] Q. All right, and because Dr. White at the time was an intern in the hospital, he would have to be joined in these treatments of a patient by a staff member?

A. It would have to be approved, yes.

Q. All right, so you approved Dr. White's diagnosis and concurred in it?

A. Correct.

Q. Yes, sir, and then on Page three of the hospital records, there is a notation at the top, quote, "18YO", what's that?

A. Eighteen years old.

Q. Eighteen years old, the "Y" stands for years, and the "WM", that stands for—

A. —White male.

Q. Stands for white male, brought to "ER", that's emergency room?

A. Correct.

Q. From jail after suicide attempt.

A. Correct.

Q. Then—

A. —Two centimeter laceration.

Q. Laceration?

A. That's the left anti-cubital fossae.

Q. All right, the left anti-fossae, (spelling) [220]
F-O-S-S-A-E?

A. Right.

Q. What would that be on your—

A. —The interior of the elbow.

Q. All right, and then there is the notation, "Patient was acutely psychotic, apparently from ingestion on LSD—"

A. That's one—

Q. —One month ago?

A. One month ago.

Q. Now this would be the history that Dr. White obtained because you were not present?

A. That's apparently what he elicited at the time of admission.

Q. All right, when you refer to history of the patient, this was obtained primarily through Dr. White?

A. Through Dr. White, through the patient's mother, and then subsequently through other doctors.

Q. But not through the patient?

A. I saw the patient, yes.

Q. I say, but the history was not elicited from the patient?

A. Not per se.

Q. All right, at least by you?

[221] No.

Q. It might have been Dr. White, but not by you?

A. No.

Q. Then on progress notes, on that same place, there is a notation, "U. S. Marshal told patient should remain here until transfer to another hospital, but Judge Connally ordered him returned to jail," and

that is also signed by Dr. White and by you underneath.

A. That is what we were informed.

Q. Yes, sir, you were informed that Dr. Connally had ordered him returned to jail?

A. We were informed that.

Q. I mean Judge Connally—

A. —We were informed that he was to be returned to jail pending his transfer to some other government agency.

Q. I see, and it was in compliance with that information that you ordered his release from the hospital?

A. This is correct.

Q. And that was what you indicated earlier in your testimony when you said it was your recommendation to the Marshal that the man either remain in the hospital, or at Memorial, or that he be [222] transferred to another hospital facility?

A. That is correct.

Q. And I suppose the reason for that, Doctor, it was because he came in there because of making an attempt to commit suicide because of his psychotic condition, and that psychotic condition was unchanged or unimproved at the time he was taken from the hospital?

A. He appeared to be still psychotic at the time I saw him on the morning of the 24th.

Q. Yes, sir, and one of the traits of his particular psychotic condition was apparently a suicidal tendency, and so based on the fact that he still had this same psychotic condition, an unimproved or unchanged

condition, you could reasonably expect that he might again make some effort to take his life?

A. I would say that I would be more inclined to say unpredictable behavior.

Q. Yes, sir, well, as I gather from your testimony, then, Doctor, the man's discharge from the hospital, and I want to be fair with you and Dr. White, was not anything that you suggested, but simply something that you did in compliance with a, with the orders that you received from [223] the Marshals and the statement made to you that Judge Connally had ordered him back to the jail?

A. We had no authority to keep the boy there.

Q. Yes, sir, so you got him there because the Marshals brought him, and you let him go because the Marshals told you that, "We're going to take him"?

A. That is correct.

Q. All right, Doctor, I think that's all I have, thank you.

Mr. De Anda: And then, Your Honor, Mr. Pain continues with his redirect examination.

[224] REDIRECT EXAMINATION

By Mr. De Anda:

Q. Now at the time that the boy was released, you knew that he was going back to the Nueces County Jail, did you not?

A. This is what we were told.

Q. And, and did you voice any objections to that at that time?

A. None, none that I can recall.

Q. I don't have any more questions.

Mr. De Anda: Judge, I am missing a page 30 and—

The Witness: —“By Mr. De Anda: The reason for it was that, according to this hospital record, the Marshal had already been told by Dr. White that the boy should remain in the hospital and there wasn't any point in you telling him again, is that right?

By the Witness: Well, it was my understanding he had been told.

By Mr. De Anda: All right, thank you, Doctor.”

Mr. De Anda: Judge, I believe that [225] concludes the deposition of Dr. Gwin.

The Court: All right.

(Close of Deposition)

The Court: Well, in line with what we discussed earlier, we will recess and then, unless you are prepared to make a decision at this time—

Mr. Pain: No, sir, I am not prepared to make a decision at this time concerning the calling of Dr. Gwin as a live witness; I will make that decision within an hour.

The Court: We will recess then and, and I will tell the Clerk and the Court Reporter that Dr. Gwin

is going to have to leave and if we are going to use him, we may have to have a little night session, so we will recess right now until we hear from you. And if we don't have the night session, we will start at 9:00 o'clock in the morning, is that all right?

Mr. De Anda: Yes, sir.

Mr. Pain: Yes, sir.

The Marshal: Everyone rise, please.

[226]

(And thereafter on January the 27th, 1971, at 9:00 o'clock A.M., Court reconvened in the above entitled and numbered cause, all parties present and presiding as before, and the following proceedings were had, to-wit:)

The Court: Are you ready to proceed, Mr. De Anda?

Mr. De Anda: Your Honor, I will call Mrs. Blouin to the stand, please, sir.

The Court: You were sworn the other day?

Mr. De Anda: Judge, I would like to make one inquiry—yesterday evening, after the recess, we went over to the County Jail to see the area where Reagan was confined. And I really don't know of any way that the Court can truly appreciate the surroundings there without just making a visual inspection. And I would appreciate it very much if, if Your Honor [227] would, and I would be glad to have Counsel,

Counsel and I could go with you, it won't take ten minutes, I hate to impose on you, but I really feel that it would be helpful and be very material to some of our contentions of the lawsuit.

The Court: I had concluded that last night, that I was going, that I was probably going to have to look at it, if there's no objection from the Government—

Mr. Pain: —No, sir.

The Court: —from the Government's standpoint, because I have got a semi-fixed picture about it and I have been up there, but it's been quite a few years.

Mr. De Anda: Yes, sir.

The Court: Let's go ahead with the testimony this morning, and when we recess at noon, we will see if we can't work out something, sometime to go over there.

[228] MRS. ALICE MARIE BLOUIN,

was called as the next witness on behalf of the Plaintiff, first being duly sworn to tell the truth, the whole truth, and nothing but the truth, testified as follows, to-wit:

DIRECT EXAMINATION

By Mr. De Anda:

Q. Please state your name.

A. Alice Marie Blouin.

Q. And you were formerly Alice Marie Logue?

A. Yes, sir.

Q. Mrs. Blouin, you are living in San Antonio?

A. Yes, sir, at 1326 Austin Highway.

Q. All right, and you have remarried?

A. Yes, sir.

Q. When did you remarry?

A. April the 6th, 1970.

Q. And what does Mr. Blouin do?

A. He is a bookkeeper for the Army and Air Force Exchange.

Q. You have been in San Antonio for how long?

A. Almost two years.

Q. To shorten this a little bit, you are the mother [229] of Reagan Edward Logue?

A. Yes, sir.

Q. The young man who committed suicide in the Nueces County Jail back in May of 1968?

A. Yes, sir.

Q. Do you recall the date?

A. It was May the 25th, 1968.

Q. All right, Mrs. Blouin, did Reagan live with you all of his life time?

A. Most all of his life, other than after we got the divorce, me and his adopted father, then he lived with me part time and his dad part time.

Q. Now, let's see, you and Mr. Logue married what year?

A. '57 or '58, I believe it was '58.

Q. All right, then while you were, you were married, Mr. Orval Logue is the gentleman seated here and he adopted your boy, Reagan?

A. Yes, sir.

Q. Was he your only child?

A. Yes, sir.

Q. Now you have no other child?

A. No, sir.

Q. Mrs. Blouin, following, when was it that Orval
[230] adopted Reagan?

A. It was in 1963, I don't recall the month.

Q. And Reagan was born when?

A. December the 14th, 1949.

Q. Without, without going, without telling me his natural father's name, you were married to his natural father?

A. Yes, sir.

Q. And to go a little bit into Reagan's background, now what was Reagan's relationship with his natural father?

A. Well, even as a child he really hated him because he was very cruel to Reagan. He wanted a model child, he was going to have a model son, and when he was six weeks old, Reagan was crying and he hit him in his nose and bloodied his nose, and it was things like that clear up to the time we divorced.

Q. All right, and so that, without going into any of the specific details, Reagan had a poor relationship with his father?

A. Yes, he did.

Q. With his own father at the time of the divorce?

A. Yes, sir.

Q. Following the divorce, did Reagan ever keep any
[231] kind of a personal relationship, or contact with his natural father?

A. None whatsoever, and even when his natural

father would come to see him, Reagan didn't want to see him and wouldn't have anything to do with him.

Q. All right, now Mrs. Blouin, after your marriage to, to Mr. Logue, Reagan lived with you and Mr. Logue?

A. Yes, sir.

Q. And you say that he lived with you continually?

A. Uh-huh.

Q. Up until the time that you and Mr. Logue terminated that marriage?

A. Yes, sir.

Q. And there has been some testimony already as to the, to the, to the fact that you also, that you had some mental problems?

A. Yes, sir.

Q. About what time, when was that, that you had the mental problems?

A. In the year of 1966, I think it was, the first part of the year, maybe the spring.

Q. Did that require hospitalization?

A. Yes, sir, I was in the hospital.

[232] Q. And would that be for psychiatric reasons?

A. Yes, sir.

Q. And you were under the care of Dr. Gwin, as I understand it, I believe that's been developed.

A. Yes, sir.

Q. Do you recall about how long you were hospitalized?

A. About three months.

Q. What sort of treatment generally, what sort of medication did you receive, do you recall?

A. Well, I don't know the names of the medication

that I took, but I know I had insulin shock treatments.

Q. What kind of treatments

A. Insulin shock treatments.

Q. All right, and, and when weree you discharged from the hospital, do you recall?

A. I believe in March of '67.

Q. All right, and, and when were you discharged when?

A. I'm sorry, that was March of '66, I believe.

Q. That you were discharged from the hospital?

A. Well, now I'm confused, I can't remember, but I was divorced from Mr. Logue in August of '67.

Q. August of '67?

A. Yes.

[233] Q. And following that and up until that time, and except for the time that you were in the hospital, of course, you and Reagan, and Mr. Logue, lived together, I presume?

A. Yes, sir.

Q. Unless there were some separations prior to your divorce, were there any lengthy separations before your divorce?

A. No, no, sir.

Q. Now what about, let's talk about Reagan a little bit. There has been some assertions made—

Mr. De Anda: And, Your Honor, I don't accept that some of these, that these matters are admissible. The Government has made in its contentions, in the Pre-Trial Order, it has asserted a series of charges that at one time or another were filed against Reagan, and dating—I think there are about six or seven

different specific charges, apparently they've got an arrest sheet and set those out, and the theory on which they are contending that these matters are admissible are to put, apparently to, they are, they are limiting this purpose to show that, to [234] show some generalized conduct of negligence on the part of Mr. and Mrs., well, the then Mrs. Logue and Mr. Logue, in that these charges should have put them on notice of, to take some precautions, or to have Reagan hospitalized, or something. And as I understand the Government's contentions, they are not in there, I presume, for any other purpose other than that. And I am not at all confident that any of these matters are relevant, but since this is a trial before the Court, and preserving my objection to the relevancy of these charges, which are the acts of third parties and conclusions of third parties, it's also hearsay, and apart from the relevancy, and they do not represent convictions except in one particular instance, and I believe that has already been developed in the evidence, but I would like to be able to at least, if they are, if the Court is going to let them in, to be able to explain that, as far as this lady knows, some of these matters, but being subject to those objections to [235] them, and if the Court is not going to consider that for any purpose, I don't think I will need to go into it.

The Court: Well, of course, they are not in evidence yet. Why don't we wait and cross that bridge when we come to it, Mr. De Anda, and just not go into them at this time, and if you need to, you may put her back on by way of rebuttal, you can do that.

Mr. De Anda: All right, sir.

By Mr. De Anda:

Q. Mrs. Logue, in view of this development, let me, let me change something else just briefly—following your divorce from Mr. Logue, Mrs. Blouin, did you maintain any kind of a relationship with your boy, Reagan?

A. Yes, I did.

Q. Now, now this was in August of 1967?

A. Yes, sir.

Q. As best you recall, how often, or how frequently would you see Reagan following the divorce?

A. Well, I would actually see him at least every other day, and sometimes every day because we didn't live too far apart. But he was going to [236] school and he stayed with his father, so on the week-ends, he would spend the week-ends with me, but during the week, he didn't stay all night with me, but I would talk to him every day.

Q. All right, now he would spend his week-ends with you?

A. Yes, sir.

Q. I take it that you and Mr. Logue had no formal arrangements as to the custody or anything of that kind; it was more or less just left, leaving it up to Reagan?

A. Leaving it up to Reagan, yes, sir.

Q. Now when, did you ever change from that routine, his spending the week-ends with you and the week with his, and the week days with his father?

A. When he graduated from high school at mid-term in January, well, then, he would spend just as

much time with me as he did with his father. Maybe he would stay with me two or three weeks at one time, and then he would go back and stay with his father a couple of weeks, I mean, this is what Reagan would say, "Mom, I love you just as much as I do dad, and I want to stay with both of you."

[237] Q. So he was actually splitting his time, or dividing the time between you and Orval?

A. Yes, sir.

Q. Was Reagan devoted to Orval?

A. Yes, he was, very much so.

Q. When did this business of splitting, you say that began in January, then, when he graduated?

A. Yes, sir, after he graduated from high school.

Q. During this time following his graduation from high school, was Reagan employed?

A. Part of the time. He was working as a boiler-maker in construction work, and maybe they would have work, maybe they would have work for a week or so at a time, but I really don't think there was too much work at the present time. So I don't think that he worked more than maybe a week at one time.

Q. Now in 1967, while Reagan was still in school, did he, was he employed at any particular time, during the summer or during the school period?

A. Yes, sir, in the summer of, of '67, he worked as a boilermaker.

Q. Mrs. Logue, I have here Plaintiff's Exhibit, I'm sorry, Mrs. Blouin—

A. —That's all right.

[238] Mr. De Anda: I have here the W-2 Forms for 1967, Judge, which I provided to, a copy of to Counsel on Reagan Logue for his 1967 earnings. I do not have

a total; I have totaled them up, but I, but I misplaced my figures, but they amount to, Judge, I'd say, to about Thirteen or Fourteen Hundred Dollars. We can get an exact figure on that, and I would offer into evidence Plaintiff's Exhibit No. 3, which are the W-2 Forms for Mr., for Reagan Logue.

Mr. Pain: I have no objections.

The Court: It will be admitted.

Mr. Pain: Was it about Thirteen Hundred?

Mr. De Anda: About Thirteen Hundred.

By Mr. De Anda:

Q. Those earnings, whatever they reflect, Mrs. Blouin, would be earnings during the summer months?

A. Yes, sir.

Q. In '67 when he was still in school?

A. Yes, sir.

Q. And now did Reagan even before 1967 work outside of the home and earn money?

[239] A. Yes, sir, when he was about thirteen, I think, he had his first job at a TV Repair Shop.

Q. And did—

A. —I believe he made Twenty-five Dollars a week.

Q. All right, what other places did he work besides boilermaking?

A. He worked—

Q. —As a boilermaker.

A. He worked at Moore's Grocery Store, Handy-Andy, sacking groceries.

Q. All right.

A. After school, he did this after school.

Q. All right, do you know what Reagan would do with his earnings?

A. Yes, sir, he would spend it. He would give it to us and as he needed spending money, we would give it to him.

Q. During, for example, in 1967, his earnings in 1967, do you know what happened to that money, just generally, I don't mean to account for it penny by penny—

A. —Well, yes, well, he bought a car and accessories for the car, and he bought school clothes, and if there was any money left, he would always give it to me or to his father and [240] we would keep it for, a little money, just spending money for him.

Q. All right, you didn't spend it yourselves?

A. We could have, we could have spent it if we'd wanted to.

Q. But you didn't?

A. No, sir.

Q. It was usually used generally for whatever he might need?

A. Yes, sir.

Q. Now, now Dr. Gwin, at the time we took his deposition, didn't have his records, as I recall, and was testifying from memory concerning you—

A. —Yes, sir—

Q. —Mrs. Blouin.

A. Yes, sir.

Q. And you say that you were hospitalized in 1966, I believe?

A. Yes, sir.

Q. Am I correct? All right, now following your hospitalization, did you continue under the care of Dr. Gwin?

A. Yes, I did.

Q. And when was the last time that you saw Dr. Gwin prior to Reagan's death?

[241] A. Prior to Reagan's death?

Q. Yes.

A. I believe it would have been about six months was the last time that I had seen him before Reagan died.

Q. Were you doing better as far as your own condition was concerned?

A. Yes, sir, I was doing much better.

Q. All right, now after Reagan's death, what happened to you personally, as far as your mental condition and your, your problem?

A. Well, I was set back to almost where I was when I first started going to him. I was in this depressed state, so I had to continue my visits with Dr. Gwin.

Q. Now there is something in Dr. Gwin's deposition with reference to a suicide attempt on your part, that is in evidence—

A. —Yes, sir.

Q. When did that occur?

A. One year to the date after Reagan died, on May the 25th, 1969.

Q. Was that, was that effort at suicide, or whatever it was, was that because of Reagan or—

A. —Yes, it was. I was very depressed because [242] I had been to the cemetery.

Q. All right, now you saw Dr. Gwin because of that, didn't you?

A. Yes, sir.

Q. How many times after that did you see Dr. Gwin?

A. Well, I left San Antonio when I got out of the hospital, I moved my, I mean I left Corpus Christi and I moved my house trailer to San Antonio, so I didn't see Dr. Gwin any more after that; that was the last time.

Q. Did you see any other psychiatrist?

A. No, sir.

Q. Why did you go to San Antonio?

A. Well, Dr. Gwin recommended really that I go to San Antonio to the State Hospital. We discussed that and he said that I could be an out-patient there, that they had facilities that were better to treat me there than they did here.

Q. All right.

A. And I—

Q. —Pardon me; go ahead.

A. And so after I thought about it, why I just decided that I'm going to go on ahead and move to San Antonio so that I will be there in case I do have to go back in for another long stay [243] in the hospital. But surprising as it may be, after I got to San Antonio and in a new atmosphere, and away from everybody, I began to feel better, I wasn't depressed, and I didn't have this feeling that everybody was looking down on me.

Q. Well, let me ask you this—did you get, was it necessary for you to see any more, seek any more psychiatric treatment?

A. Evidently not because I didn't see one and I am doing good.

Q. Did you get a job?

A. Yes, sir, I did.

Q. And did you, you kept your job?

A. Yes, sir.

Q. And then you remarried?

A. Yes, sir.

Q. And apparently you have adjusted very well up to now?

A. Yes, sir, I sure have.

Q. All right, now the, Reagan, as you have mentioned, worked at least in 1966, '67, and '68 part-time in either, in the summers and after his graduation in January of 1968?

A. Yes, sir.

[244] Q. Where did Reagan go to school?

A. He went to Ray High School when he graduated.

Q. All right.

A. He went to King High his Junior year.

Q. There was some testimony, as I recall, either in your deposition or somewhere, that Reagan did not get his diploma until shortly prior to his death.

A. Yes, sir, he got it, I think he got it on May the 23rd, the day that he was arrested.

Q. All right, now do you mean that even though he graduated from school in January—

A. —Yes, sir, they didn't mail it to him until the end of the school year in May.

Q. I see, all right. Now what was Reagan's behavior there at home with you, with you and with, pardon me, I've got a sore throat and bear with me, what was Reagan's behavior, personally, his personal behavior towards you, Mrs. Blouin, and towards Orval at home?

A. He was very courteous with us. He never gave us any trouble with back talk or sassing us, I mean, he always seemed to mind real well. He was very quiet, he liked to read a lot, he stayed in his room. In fact, you would hardly know that he [245] was even around when he, he was even a small child.

Q. We know, it is in evidence, I believe, that Reagan was charged in Austin, I believe, on some sort of narcotic violation, and I believe he plead guilty to it, as I remember from Mr. Foster's testimony, were you aware that this matter had come up?

A. Yes, sir, I was.

Q. Did you have the occasion to discuss with Reagan the drug problem generally or the drug problem as it might apply to him specifically?

A. Yes, sir, I did. I talked to him about it a lots of times if I, practically all of the time that I was around him, I was always trying to talk to him about it—

Q. —Uh-huh—

A. —and he did admit being a user of marijuana, and to what extent, I really don't know. And I discussed this with him and he seemed to think that it was not any worse than alcohol, which most of the children seem to think today, that's, that that's the thing to do.

Q. Mrs. Blouin, that's argument. All right, well, when was the, when was it that you recall that [246] you became aware of any problem that Reagan might have had pertaining to the use of marijuana?

A. When?

Q. Well, I will put it another way—how long did this go on?

A. Well, I really don't know because I, when he was first arrested for marijuana, that was the first time that I was ever aware that he could have been using marijuana because he didn't have, he didn't act any different than he had always acted and I couldn't, I couldn't tell when he was on marijuana.

Q. Uh-huh.

A. And the first time that I knew anything about it was when he was arrested.

Q. All right, I believe that is, just to reflect back, that was in '67?

A. '67.

Q. Just to push your memory a little bit.

A. Yes.

Q. As a—were you able to determine how it was that—well, strike that. You have, you have described Reagan as being an obedient child at home, with whom you had very good, a very good relationship and who, apparently, enjoyed [247] a good relationship with his adopted father. And I believe you mentioned to us your, the fact that he was employed, and did Mr. Logue assist him in getting employment?

A. Yes, sir, but there was a few times that he got his own job.

Q. All right, now what about Reagan as far as his school, did he go to school regularly?

A. Yes, sir, he did.

Q. I understand from some records that have been provided me here by the Government lawyer, his grades were not the best in the world.

A. No, sir, they weren't.

Q. Had his grades dropped off in school, or were they, I believe the record is going to show that he

graduated about four hundred and eighty-three out of five hundred and eighty-five in the graduating class, which put him in the bottom quarter of his graduating class. Were his grades always in the lower part of the class, or was there ever any time, say before he started using marijuana, or got involved with, with this drug problem that he had, that his grades were any different, if you recall?

A. Well, I am sure they probably were, but if I [248] remember correctly, his average was about a "C", when he entered high school.

Q. I see, all right—

A. —I mean going through high school; he made "A's" and "B's" in grade school, but the best I can remember, he fell to about a "C" when he—it seems to me like his report card would be all "C's".

Q. All right, now how about, you mentioned that he read a lot?

A. Yes, sir.

Q. What would he read, do you know what, what books he read?

A. Oh, books from the library, he belonged to the library, and he would read books, he read alot on psychology.

Q. I understand from talking to Mr. Logue, who will testify also, that he read the Bible a great deal.

A. Yes, sir, and Bible Aids, or anything pertaining to the Bible.

Q. When you found out about this drug problem that he had, or at least his arrest for it, had you had any inkling before that that Reagan was involved in anything of that sort?

[249] A. None whatever. It was the furthestest from

my mind, he had never even, it never even occurred to me that he might be using drugs. There sure wasn't any sign of it at home, I mean in his actions, or the way that he was going about things, it didn't show up. I didn't notice a thing different.

Q. Up until the time of his death, and at the time of his arrest, did you visit him in jail, Mrs. Blouin?

A. (No answer)

Q. I'm talking about his last arrest in May of 1968, I think the records shows that he was arrested on May the 22nd.

A. No, sir, I tried to, but they wouldn't let me see him.

Q. All right, but you did, I believe, see him at the hospital?

A. Yes, sir, I saw him in the hospital.

Q. All right, and that was at the emergency room?

A. No, sir, I didn't see him in the emergency room; I saw him up on seventh floor.

Q. All right, you did not get to the hospital in time?

A. In time?

[250] Q. In time to see him in the emergency room?

A. No, sir, I didn't.

Q. All right, did you have any conversations with any of the Marshals or people connected with the guarding or having custody of Reagan at that time?

A. Yes, sir, I did, and that was, oh, well, I didn't have, have it the first night, I didn't talk to them at all, but I talked to them when they came to the hospital to take Reagan back to the jail, and I was begging them not to take him.

Q. By him, you mean the Marshal, or the gentleman who was—

A. —Yes, sir, the Marshal.

Q. Who was, had come after Reagan?

A. Yes, sir, that come to the hospital and got him.

Q. Do you recall why you asked the Marshal not to take him back to the jail?

A. Yes, sir, because I had been informed by Dr. Gwin that they were, that they were there to get Reagan, and I was pretty upset about it, and as soon as they got to the hospital, why I started beggin' and tellin' them that I was afraid Reagan would do somethin' to himself, [251] and not to take him, to leave him there.

Q. What did you base that opinion on, that you were fearful for Reagan's life?

A. Because of his previous attempt at suicide and what the doctor had said, on what Dr. Gwin had told me, that he was mighty afraid for him to go back to jail, he was afraid he would do somethin' to himself, and I was, too, I mean I knew, I knew the condition that Reagan was in, and it was real obvious that he didn't even know he was alive really, then.

Q. All right, were you able to talk to Reagan at all?

A. Yes, sir, I could talk to him some, but he didn't really comprehend, not, I mean he was real groggy and real fuzzy, and his eyes were real fuzzy lookin', and they, his eyes wasn't clear, and he kept—

Q. —Did he recognize you?

A. Yes, sir, he did. In fact, he asked me if I would bring him some banana pudding.

Q. All right, that was there in the hospital?

A. Yes, sir.

Q. What was his conversation, did his conversation make sense?

[252] A. Some of it did.

Q. All right, are you all right?

A. Yes, sir, it's just that I was thinking about that, that that was the last time I saw him. (Witness crying)

Q. I'm sorry I have to do this, Mrs. Blouin.

A. That's okay.

Q. Now, let me ask you just a few more questions about that—did you, did you say you did ask the Marshal not to take him back and you explained why?

A. Yes, sir, I did. I begged him, in fact, I didn't just ask him, I was pleading with him.

Q. And was this before he took Reagan out of the room or while he was taking him out, or when?

A. Well, I'm pretty sure that he was probably having to push me off of him, because I was beggin' him and tryin' to talk to him some more, I was tellin' him not to take Reagan, and I think I followed them into the room, and when they lifted Reagan up off of the floor why—

Q. —You say there was more than one?

A. Yes, sir, there was two of them.

Q. And then they took him off?

A. Yes, sir.

[253] Q. Okay.

Mr. De Anda: I pass the witness, Your Honor.

CROSS EXAMINATION

By Mr. Pain:

Q. You were pretty close to Reagan, were you not, Mrs. Blouin?

A. Yes, sir, we were very close at the time of his death.

Q. And prior times as well?

A. Yes, sir, we was.

Q. From the time he was a small child on up through—

A. —Yes—

Q. —Junior High School and so forth?

A. Yes, sir, we have been close.

Q. Did, I think you testified that he didn't give you much trouble at home.

A. No, sir, he didn't, surprising as it may be, he really didn't. It seemed that every time he got in trouble, it was something big rather than small things that a child usually does at home.

Q. Uh-huh, and possibly because of the fact that [254] he didn't give you much trouble at home, you were rather surprised at the subsequent trouble that he did get into with other people, is that correct?

A. Yes, sir.

Q. Now you married Orval Logue in about 1958?

A. Yes, sir.

Q. And you married Mr. Blouin in 1970, is that correct?

A. Yes, sir.

Q. Have you had other marriages?

A. Yes.

Mr. De Anda: Your Honor, I'm going to object to this unless it is relevant to the matters before us, which I don't believe it is.

Mr. Pain: Well, I think it might be an indication of, of, would be relevant to the atmosphere of the

upbringing of Reagan Logue, and I think it would shed some light upon his general family background and atmosphere. He went into the family background atmosphere.

Mr. De Anda: I have no objections if it's during Reagan's lifetime, but I [255] would not, I wouldn't, I don't believe the question was confined to that.

The Court: Any thing prior to her marriage to Reagan's father, I don't think, I don't think, I think that would not be pertinent.

Mr. Pain: Well, Your Honor, don't you think it might be pertinent to prior to his real father?

The Court: That's right, prior to her marriage to his real father, I don't think that would be pertinent after that, but I think that would be.

Mr. Pain: What was Reagan's, Reagan Logue's natural father's name?

The Witness: Eddie—

Mr. De Anda: —Your Honor, just a minute, unless it is relevant, and I don't really believe that it is, and I, I, I don't see any point in bringing the matters up, matters up that might effect the people that are not going to be, that are not going to be in any way helpful to the State, to the Government's case, unless he maybe plans to call him or something. If [256] he does, of course, I can disclose his name to you.

Mr. Pain: Well, I am inquiring as to—

The Court: —I'm kinda puzzled as to why his name should be withheld unless it is going to effect someone.

Mr. De Anda: All right.

The Court: Adversely at some point.

Mr. De Anda: All right, sir, I withdraw my objection.

By Mr. Pain:

Q. What was Reagan Logue's natural father's name?

A. Eddie Bryant.

Q. Eddie Bryant?

A. Uh-huh.

Q. When were you married to him?

A. In '48, I believe 1948.

Q. 1948?

A. Yes, sir.

Q. And Reagan was born the following year?

A. Yes, sir.

Q. And how long did you live with Eddie Bryant?

A. About six years, or seven years.

Q. About 1954 or '55, 1955 you separated?

A. No, it was longer than that. I don't believe [257] we separated until '56, or the first part of '57; it might have been eight or nine years, I really have forgotten.

Q. Were you separated for a length of time prior to the divorce?

A. Not too long.

Q. Do you recall when you were divorced from Eddie Bryant?

A. I believe it was '57, February of '57, or '58.

Q. Did you have another marriage a couple of years ago?

A. It was annulled so it is really not classified as a marriage.

Q. But you did go through a marriage ceremony?

A. In Mexico, yes.

Q. And who was the man with whom you went through that marriage ceremony?

Mr. De Anda: Your Honor, again, I'm going to object to that unless there is, this has nothing to do with Reagan Logue and could not possibly have effected Reagan Logue in any way, shape, form, or fashion. This is what I really objected to, I don't see any point in going into all of these matters. They went into them on the [258] deposition and I thought it proper, that they might want to make an investigation, but unless, I don't see anybody on this witness list that would in any way relate to that matter.

Mr. Pain: Well, perhaps, Your Honor, if I can ask one more question it will clarify this. I will ask her if this marriage, or this ceremony occurred after Reagan's death, and if it did, I withdraw the question.

Mr. De Anda: Whether it did occur before or after Reagan's death—he was not present, was he?

The Witness: No, sir.

Mr. De Anda: This is what I'm getting at, Judge, I think it was a one-day matter, as it was developed in the deposition, and the Government, if the Government has something contrary to that, they might want to pursue it and it might be relevant, but—

The Court: —Did you get this information in the deposition?

Mr. Pain: Yes, sir.

[259] The Court: Well, the name doesn't, unless it has got something, some peculiar connotation, I don't see how, I don't see any reason to go into the name; in fact, the fact that she went through the ceremony, I think, I think that is pertinent.

By Mr. Pain:

Q. Where did Reagan graduate from high school?

A. Ray High School, W. B. Ray.

Q. You mentioned his doing some work as a boiler-maker during 1967, and I think that your testimony was that he would work for a week and then get a few days off and work for another week, that the work was not steady, is that correct?

A. Yes, sir, that's right.

Q. And how did he obtain that job, do you recall?

A. His father got the job for him.

Q. His father being Orval Logue?

A. Yes, sir.

Q. Did Reagan work after he graduated from high school?

A. Yes, sir, he worked some, that's when I was talking about. There wasn't too much work at the time, construction work, so when there would [260] be a job, well, Reagan would go out on it, but the best I can remember, that, probably the longest that he worked was a week at a time on those jobs and then he would be off, he'd be off maybe two or three weeks and he would pick up a few more days then.

Q. That was in 1968?

A. Yes, sir, before he died.

Q. How long did he live here in Corpus Christi in 1968?

A. Oh, well, actually he was only in Austin about a month, so he lived all of it here.

Q. Other than the time he spent in Austin?

A. Yes, sir.

Q. Where was it that he worked, or for what concern did he work after graduation from high school?

A. You mean the companies?

Q. Yes, ma'am.

A. I really don't know, but the union would, the union would have to supply you with that because he would go out with the union, I don't know the names.

Q. But he was not working as a boilermaker, is that correct?

[261] A. Yes, he was a boilermaker.

Q. Oh, he was?

A. But the boilermakers is a union and, and you see, Mr. Logue is the business manager of the union, and he can probably answer those for you; I don't have any idea of the name of the companies.

Q. Do you know what he was doing in Austin?

A. No, sir, not really. I think he worked there with, a week or so on a job as a boilermaker.

Q. What did he, what was the purpose that he told you that he was going to Austin for?

A. Well, he was going to go to school there in September or, well, he even talked about starting in, in the summer months, going to the summer session, the summer semester.

Q. So your knowledge was that he went up there to check into the possibility of going to school?

A. Yes, he was checking into it and he and Terry Martin, and there was quite a few of the boys from here, had gone to Austin.

Q. And that was your knowledge, that he was, he had intentions of enrolling at the University of Texas, is that correct?

A. Yes, sir, I knew that if he didn't in the [262] summer months, that he would in September. This was his plans, what he had talked about.

Q. Had you, you had never talked to any of the school officials at the University of Texas concerning what the scholastic requirements of entering would be?

A. No, I didn't.

Q. You weren't aware of whether or not he might be qualified to get in?

A. No, I didn't. I knew that he had, he had gotten several letters from several schools, now I don't remember just now which ones, and I know that he had took the test before he graduated from high school, and—

Q. —Do you know the results of that test?

A. I don't know. I did, but I have forgotten it.

Q. Do you recall if the results were good, bad, or indifferent?

A. Well, it was fair enough; he could get into college, I remember that.

Q. And how did you come by that information?

A. He told me, we talked about it.

Q. He told you what his test scores were?

A. It came back through the mail, they mailed it to him, and I remember seeing it, but I don't [263] know, I don't, I can't remember what it was.

Q. Uh-huh, but it was, it is your recollection that, that he told you those test scores were good enough to get him into the University of Texas, is that correct?

A. Yes, sir.

Q. Were you ever aware of Reagan ever sniffing glue?

A. No, sir, I wasn't, and I don't believe he was, ever.

Q. When was the first time that you can recall that Reagan got into trouble with any of the authorities?

A. Are you referring to what Mr. De Anda was talking about awhile ago, those cases, or are you going—

Q. —No, I am referring to the first time that you ever recall of him getting into any trouble with the law enforcement authorities.

A. You are talking about those, that's what I'm talking about, in 1962?

Q. Well, I'm asking you, do you recall that?

A. I just remember seeing it on the paper. I, I, that's probably about right, 1962 or '63.

Q. 1962 or '63?

[264] A. Uh-huh.

Q. Do you recall him ever getting in trouble in December of 1962, for running a forklift, I think it was, around a warehouse?

A. Yes, sir.

Q. What was the result of that, do you know?

A. I believe we paid the damages.

Q. To whom did you pay those damages, do you recall?

A. The people that owned the tractors.

Q. Do you recall how much those damages were?

A. No, sir, I don't. It don't seem like to me like it was very much.

Q. Do you recall another instance in about June of 1964 when he was, I think it was brought to your attention that he was picked up for disorderly conduct?

A. Yes, sir.

Q. Do you recall the details of that?

A. I believe that's when they opened the door to a beer joint there at Shell Center and said some bad words, he and some more boys.

Q. He and some other boys?

A. Yes, sir.

Q. Do you recall another instance in April of 1966, [265] where, I think, there was a theft of some sound equipment from the Ramada Inn, do you recall that?

A. Not from the Ramada Inn, I don't.

Q. Well, perhaps it was some other establishment in town, do you recall something like that?

A. Yes, sir.

Q. What occurred on that occasion, do you remember?

A. Yes, sir. He and some more boys took a, I believe it was, I believe some speakers on a P.A. system from the, from the Driscoll Hotel.

Q. Do you know what they did with those speakers?

A. Well, they had this band, and they were using them in the, in the band. Reagan played the drums, Reagan didn't have any need for them at all, he had the drums, but they belonged to some of the other boys, but Reagan was in on it, when they took the speakers.

Q. Didn't they bring them to your house?

A. Yes, sir.

Q. And did some police officers later come out and retrieve those goods from your house?

A. Yes, sir.

Q. Then I think you mentioned to Mr. DeAnda on direct examination that he was arrested in [266] February of 1967, for possession of marijuana?

A. Yes, sir.

Q. And at that time, I believe you testified, that that was the first time that you became aware of his involvement in any way with any type of drugs, is that correct?

A. That's correct.

Q. Do you know who he was, or which law enforcement agency picked him up for this possession charge? Was it the County or the City?

A. The City.

Q. Do you know what the charge was, do you recall the charge?

A. Possession of marijuana.

Q. Now this was in February of 1967, and if my memory of your direct testimony is correct, that

would be after—no, I'm sorry, that would be before you and Mr. Logue were divorced, is that correct?

A. Yes, sir.

Q. You were divorced in August of '67?

A. Yes.

Q. Were you living with Mr. Orval Logue during the time that Reagan was arrested the first time for marijuana?

[267] A. Yes, sir.

Q. And where were you living, do you recall?

A. 425 Longview West.

Q. Following that particular arrest, didn't, or did Reagan take an overdose of sleeping pills?

A. Yes, sir, he did.

Q. How long after the arrest did this occur?

A. It must have been the third day, they arrested him one night and then he was out on bond the next day, and then the next day he went to, back to school that morning, and then he, he went to school, well, he found out that they wasn't going to let him run, or in school for the rest of that year, so I was at work when he came home and he found my sleeping pills and took the bottle of pills.

Q. Did you take him to the hospital?

A. Yes, sir, when I came home from work, well, I found him and he was unconscious and I called an ambulance.

Q. How long was he in the hopsital that time, just overnight?

A. No, sir, he was in there, I believe it was two days.

Q. Two days?

[268] A. I believe so.

Q. Do you know Mrs. Dorothy Roby?

A. Yes, I do.

Q. Now I believe on that occasion, when he went to the hospital, that you went up there with Reagan, weren't you, at the hospital?

A. Yes, I was.

Q. Then she came up there and was visiting with you for two or three hours there that night, didn't she?

A. Yes, she did. She was a woman psychologist tester.

Q. Did Orval Logue come up to see Reagan during this hospitalization?

A. No, he wasn't allowed up because it was late at night. You see, I was, you see, Reagan was in intensive care and I was just lucky to, that they let me stay. They let me sit outside the room, and when they turned out the lights, well, Mrs. Roby was still there, and really she wasn't supposed to be there at all, there in intensive care where I was because she wasn't in that part of the family, so they locked all of the doors at night, and when Mr. Logue came up, well, it was real late when he found out about it, he [269] was at a meeting, and when he came up, they wouldn't let him in that night.

Q. Was Reagan in the hospital the following day?

A. Yes, sir.

Q. All day the following day?

A. Yes, yes, sir.

Q. And were you with him at that time?

A. Well, I was outside of intensive care.

Q. Did Mr. Logue come up there then?

A. Yes, sir, he was there, we could see him every,

I think it was fifteen minutes in the morning and fifteen minutes in the afternoon.

Q. So you had limited visiting privileges with him?

A. Yes, sir.

Q. Were you aware of a charge along about April of 1968 against Reagan for automobile theft?

A. Well, I am, yes, sir, I was aware of it, but it wasn't an automobile theft, really, as it turned out. It turned out to be that a girl had loaned, there was three boys, Reagan and two other boys, and one of the boy's girlfriend loaned them the car to go to the, to the beach, and she didn't want her parents to know that she had loaned her boyfriend the car. So [270] she told them she didn't know where the car was, and the parents reported it stolen. Of course, they picked them up right away on the beach and found the car, and why the boys, they didn't know what was going on, and by the time they got the boys down to the jail, well, I was there, and then by that time the girl and her parents was there, you know, and the girl told them that she had loaned the car to her boyfriend.

Q. Uh-huh, was Reagan charged with this?

A. Well, there was no bond. We didn't make no bond or nothin'. I didn't even know that they went ahead and charged him with it, because they just let them out of jail.

Q. I see, so you don't know for sure whether or not there were formal charges?

A. They never did anything about it; nobody ever said anything. I thought that was the end of it.

The Court: Is this a witness?

Mr. Pain: Sir? No, that is not any witness.

Mr. De Anda: No.

By Mr. Pain:

Q. When Reagan was taken to the hospital for the cut on his arm, you did see the bandage on his [271] arm, did you not?

A. Yes, sir, I did.

Q. Did you see the type of bandage that it was?

A. I just remember that it was gauze and I didn't pay any particular attention to it.

Q. It didn't enter your mind that he might do with it what he did with it?

A. No, not with the bandage, I didn't think of that.

Mr. Pain: We pass the witness, Your Honor.

REDIRECT EXAMINATION

By Mr. De Anda:

Q. What is your age, please, Mrs. Blouin?

A. I am thirty-eight.

Mr. De Anda: Your Honor, I believe that's all I have of this witness.

The Court: You may step down.

WITNESS EXCUSED

[272] Mr. De Anda: Your Honor, I want to offer into evidence Plaintiff's Exhibit No. 5, that has already been marked, which is a Contract for Service between the Defendant and the Nueces County Jail or Nueces County, whereby, and this was provided to me by the Government,, Judge—

Mr. Pain: —No objections, Your Honor.

The Court: It will be admitted.

Mr. De Anda: I will call Orval Logue to the stand, pardon me, Judge—

The Court: —Yes, sir, go ahead.

Mr. De Anda: I will call Orval Logue.

[273] ORVAL LOGUE,

was the next witness called on behalf of the Plaintiffs, first being duly sworn to tell the truth, the whole truth, and nothing but the truth, testified as follows, to-wit:

DIRECT EXAMINATION

By Mr. De Anda:

Q. Your name is Orval Logue?

A. Orval Harris Logue.

Q. How old are you, Mr. Logue?

A. Fifty-seven.

Q. And where do you live?

A. 425 Longview West.

Q. Now you are married, sir?

A. Yes, sir.

Q. You were formerly married to Alice Marie Blouin?

A. Yes, sir.

Q. And I believe it is undisputed that you were the adopting father of Reagan Logue?

A. Yes, sir.

Q. The deceased?

A. Yes, sir.

Q. We have gone into everything else, I guess we [274] can—let me ask you something while it is on my mind because, I believe, the Government forgot to mention it among some of the acts that they mentioned in this, that they referred to there in the interrogation and in the pleadings—there is a, a malicious mischief charge, I believe that's what it was, that we didn't go into with Mrs. Blouin, involving Reagan, do you know anything about that?

A. About what?

Q. About a malicious mischief charge that, that means he broke something, or tore something up, or did something.

A. Let's see, that was, oh, that was, the first time was because he was throwing some eggs at a place, that was a mischief charge, as I understand it.

Q. Throwing some eggs, you say?

A. Yeah, him and some more kids, you know, they was throwin' eggs of a night.

Q. This was back—

A. —And the other kids—

Q. —This was back in '62, that would have made Reagan about ten years old?

A. Yes, sir.

[275] Q. I take it?

A. Something like that.

Q. I'm sorry, about twelve.

A. About twelve years old, yeah.

Q. If he was eighteen in 1968, yes, I'm doing some heavy math, Your Honor.

A. Yes, yes.

Q. I'm sorry, Mr. Pain said thirteen, so we will, I will accept that. And then this business about the bulldozer, or the forklift, that also happened when he was about thirteen years of age?

A. Yeah, that was about, oh, about, I'd say, not, not long after this, this first incident.

Q. All right.

A. They, him and—

Q. —Well, did—

A. —Yeah, him and—

Q. —Oh, you answered me, I believe.

A. Oh, yes, yes, yes, uh-huh.

Q. Mr. Logue, you adopted Reagan when?

A. I thought it was around, around 1961 or '62, '3, somewhere along about like that.

Q. Did you have a good personal relationship with, with Reagan?

[276] A. Yes, sir.

Q. Insofar as his personal contact with you, and we know about, we won't go into these other matters, but as far as his personal contact and relationship with you, did you have any problems with him either

as a, I will say this in this sense, like giving you back talk, or fighting with you, or that sort of thing?

A. No, no, no, no, sir.

Q. Personal things?

A. No, sir, no more than just the usual, I mean we never had no problem like that. He, he thought a lot of me and we were real close.

Q. All right.

A. And I thought a lot of him.

Q. Mrs. Blouin, I think that we, I have introduced during the course of Mrs. Blouin's testimony some W-2 Forms for 1967. In 1968 did Reagan work following his graduation from school?

A. Let's see, I—

Q. —I asked you to look those records up for me.

A. Yeah, he, he, I believe he worked in '68.

Q. All right, now who was, who was that for, who did he work for in 1968?

[277] A. Let's see—that would have been for Berry Contracting, I believe, I'm not certain, that's just—

Q. —Well, Orval, now you gave me some other name in the office this morning and you said that he made Three Hundred and Fifty—

A. —No, no, I said Sixty-six.

Q. Oh, I'm sorry. All right, I thought you were wrong—

A. —All right—

Q. —that's in 1966?

A. He worked for Sapulpa Tank Company at Reynolds Metals Company.

Q. Would that have been during the summer?

A. That would have been during the summer.

Q. And what, what, did he, you didn't, didn't have

any records of his earnings, but you had a record of the hours he worked?

A. Well, let's see, he worked three hundred and—I've got it somewhere here.

Q. You told me three hundred and forty-three hours.

A. Yeah, yeah, yeah, three hundred and forty-three hours.

Q. Is that right?

A. Three hundred and forty-three hours and his rate [278] of pay was Four Sixty an hour.

Q. All right, so that would have been, multiplying that out, he would have earned Fifteen Hundred and Seventy-seven Dollars and Eight Cents in 1966?

A. Yes, sir.

Q. That would have been during the summer months?

A. Uh-huh.

Q. There is some evidence that he was interested in going to college, whether or not he would have gone to college, but now were you in a position to assist him with employment if he either, if he couldn't have gone to college because he just couldn't have made it scholastically, or just because he didn't want to?

A. Yeah, I was in a position to help him, to see him through college.

Q. All right, Mrs. Blouin testified that Reagan, as a matter of course, would let either you or her, turn his money over to you, the money that he earned?

A. Yes, sir.

Q. And then, as I understand it, you would use that to pay for whatever expenses—

A. —Yeah—

[279] Q. —that would be incurred?

A. Yes, sir, I financed him....

Mr. Pain: Your Honor, that's leading—

The Court: —Yes—

Mr. De Anda: —I think I am leading, Your Honor, I plead guilty if that's what he was going to say.

Mr. Pain: Yes, I was.

Mr. De Anda: All right.

By Mr. De Anda:

Q. Were you home when Reagan was arrested on May the 22nd of 1968?

A. No, sir.

Q. The address given in this record, I believe that would indicate that that would be your house?

A. That would be my house, but I was not present. I was, I was, I was out, out of town on business.

Q. All right, was Reagan living with you at that time?

A. Yes, sir.

Q. Did you have, did you ever have the occasion, Mr. Logue, to, to discuss with Reagan the problems that we have, that is in the record, and you have been here listening to all of this, the fact that he had been involved in some [280] marijuana case, or narcotics case in 1967, I believe, did you ever have any discussion with Reagan about that?

A. Many discussion with him about it.

Q. And did he admit to you whether or not he had actually used marijuana?

A. Yeah.

Q. What did you notice, apart from his admission and the fact that he was arrested for it, which I'm sure called it to your attention, had you seen any change in Reagan's behavior, or his attitude towards you, or toward his mother, or anyone else in the family, that would put you on guard or on notice that anything like this would happen?

A. None whatsoever.

Q. Did, Mr. Logue, when Reagan was arrested, when did you first find out about his arrest, now I'm talking about the one on May the 22nd, 1968?

A. I found out whenever I returned home.

Q. All right, when he was taken to the hospital a couple of days later, did you go to the hospital?

A. Yes, sir.

[281] Q. Where were you when you found out about that?

A. I was at home whenever, whenever I found out about it.

Q. How did you find out?

A. Sheriff Mitchell called me and told me that Reagan had hurt himself.

Q. All right, so you went on to the hospital?

A. Yeah, I went, I went on to the hospital.

Q. From looking at Reagan there, did you see him in the emergency room?

A. Yes, sir.

Q. And I take it that you arrived there before Mrs. Blouin did?

A. What?

Q. Before his mother did?

A. Yes, sir, yes, sir, myself and my wife, we went right on over to the hospital, myself.

Q. I see, now let me just ask you this question—how, how did Reagan get along with your present wife, was their relationship all right, did you have any problems?

A. Good.

Q. And so both you and she went over to the hospital when you found out that he was over there?

A. Yes, sir.

Q. Did you get a chance to talk to Reagan while he was in the emergency room, or did you get a chance to see him?

A. Well, I got a chance to see Reagan, but he wasn't, you know, there was no conversation about anything. He was just real, well, you know, low, you know, from loss of—

Q. —All right—

A. —I presume, loss of blood.

Q. There's been some testimony in the record, I believe, from Dr. Gwin that Reagan was hallucinating, that is, he was speaking of God and the Angels, and this sort of thing—

A. —That's right.

Q. Did you hear anything like that?

A. Yeah, I sure did, that's right.

Q. Did you attempt to talk to Reagan while he was in the emergency room?

A. (No answer)

Q. Did you try to talk to him?

A. I just told him that I'd try to help him there all I could, you know, and, you know, just to relax.

Q. You were trying to reassure him?

[283] A. Yeah.

Q. Is that what you are telling us?

A. Yeah.

Q. But you had no lengthy conversation or even a short conversation with him, other than that?

A. No, no, sir.

Q. All right, did you talk to the doctor there at the emergency room?

A. Yes, sir.

Q. Was Mr. Foster also over there?

A. Yes, sir.

Q. Did he get there before you did or after?

A. We arrived there about the same time, I think.

Q. All right, were you present in the hospital when, on May the 24th, when Reagan was removed from the hospital by Mr. Bowers and taken back to jail?

A. No, sir.

Mr. Bowers: Judge, I hate to object to this, but Mr. De Anda, I don't believe, has asked a non-leading question in the last few minutes, and I think perhaps a narrative question and answer type of examination would be appropriate in this particular case.

[284] Mr. De Anda: Well, I didn't really think as far as the boy's removal from the hospital there, that there was anything in dispute about it, in deference to the objection.

The Court: I think you have been leading a little bit.

Mr. De Anda: All right, sir.

By Mr. De Anda:

Q. Were you present when, when your boy was removed from the hospital?

A. No, sir.

Q. Where were you at that time, assuming that it happened in the afternoon of the 24th—

A. —I was, I was at, at my office.

Q. All right, when did you first find out that Reagan was removed from the hospital?

A. I, I, I found out that he was, before he was removed from the hospital, his mother called me and told me that they were removing him from the hospital back to, to the jail.

Q. What did you do when she, when she told you that?

A. I went to, I went to tryin' to get a hold of, ahold of, ahold of the attorney, Mr. Foster.

[285] Q. Did you succeed in reaching him?

A. I, I don't believe before they, I don't recall whether I was, I was real excited about it, you know, and I don't remember just whether I got him, in touch with him before or not. I—

Q. —All right, now after you received this phone call from Mrs. Blouin, and you tried to call Mr. Foster, what did you do next, Mr. Logue?

A. Well—

Q. —If anything?

A. I, I, I did also call and asked Sheriff Mitchell to please have, have him under guard that, that, so he couldn't, wouldn't hurt himself.

Q. You had a conversation with Sheriff Mitchell or someone else?

A. With Sheriff Mitchell and he assured me that there, that this would be took care of.

Q. All right, was this the same day?

A. It's the same day.

Q. All right, that would have been May the 24th, then, if that was the day he was removed from the hospital?

A. Yes, sir.

Q. Now after that conversation with Sheriff Mitchell, did you do anything else with reference to [286] Reagan's being in jail?

A. Not that I recall.

Q. All right, how about the next day, the 25th, which was the day Reagan died, did you do anything that day?

A. The next day in the afternoon, I went to the Courthouse to see Reagan.

Q. You mean the Nueces County Courthouse?

A. Yes, sir.

Q. That's where the jail is?

A. Yes, sir.

Q. All right, and did you get to see him?

A. No, sir.

Q. What time was it that you went down there?

A. I'd say this was about, oh, 2:00 o'clock, 2:30, something like that.

Q. Why were you unable to see him, do you know?

A. Well, I was refused by the, by the desk Sergeant, that, that, that he, that he was, he couldn't admit me to the, to the upper, up to the stairs to the jail, that that was his orders, you know, that there would be no visiting other than on visiting hours.

Q. All right, so you did make an effort to see him

that afternoon, but you were denied it; their [287] regulations prevented you from seeing him, or at least that's what you were told?

A. Yes, sir.

Q. And after that, what did you do?

A. Well, I went on back to the, to home.

Q. All right, and when were you next contacted, or did you next contact anyone with reference to Reagan?

A. The next contact I got was a call from, I don't remember who called me, that Reagan was dead.

Q. That same day?

A. That same day.

Q. Mr. Logue—

Mr. De Anda: —I want to offer into evidence, Your Honor, Plaintiff's Exhibit No. 4, which is the funeral bill of the Clifford-Jackson Funeral Home, a copy of which I provided with Counsel, and as I understand it, the Government will stipulate that this is reasonable and necessary and the customary bill for the services, for the funeral services rendered to Reagan.

Mr. Pain: That is, that is correct, we will stipulate to that, we have no [288] objections to it.

Mr. De Anda: And the bill is in the total amount of One Thousand, One Hundred and Sixty-four Dollars and Fifty Cents, Your Honor.

The Court: It will be admitted.

By Mr. De Anda:

Q. Concerning Reagan's work, Mr. Logue, did you

ever receive any complaints, or know of any complaints pertaining to the manner in which Reagan worked on the various jobs that he worked on through the, through your help, or through the union?

A. No, sir, no, no complaints.

Q. I notice that there are a number of jobs that he held one summer when he worked as a boilermaker. Well, let me ask you this—strike that question—I've got a number of wage statements here for 1967 from Chemco, Inc., Wilson Construction Company, W. H. Hammons, Highland, Inc., Factory Construction Company, and Berry Contracting, Inc., in 1967.

A. This Hammons job, that was a carpenter's helper, I think he was, that's what he was workin' at there, he, he got that job himself.

[289] Q. I see, now the fact that these jobs were numerous, is that unusual, or is that customary in the boilermaker work?

A. That's customary in the boilermaker work. We may, we may, maybe a job might last five days, or three days, or two weeks, it's on a shut-down, you know, when they shut down a refinery, or—

Q. —I see, so there would be, is there anything that you would consider bad from a standpoint of either performance or attitude, insofar as it relates to the fact that these were short jobs?

A. No, sir, they were just, just short scheduled jobs. Now the job at Reynolds, where he worked that summer, that was in, was a construction job, they was buildin' these steel tanks, big silo tanks, you know, and it is rigid work that I'm talking about, and he stayed through there.

Mr. De Anda: We pass the witness, Your Honor.

The Court: All right.

[290] CROSS EXAMINATION

By Mr. Pain:

Q. What is your occupation now?

A. I'm Business Manager for the Boilermaker Union.

Q. That's Local what number?

A. 577.

Q. And was that your occupation during May of 1968?

A. Yes, sir.

Q. And how long have you had that position?

A. I've had that, let's see, since 1949.

Q. You have been Business Manager?

A. September of 1949.

Q. Since that time you have been the Business Manager of the Boilermakers Union?

A. Yes, sir.

Q. What, what, what is, what do you do on your job?

A. What is my job?

Q. Yes, sir, what do you do?

A. I, I have thirty-nine counties that I police, you know, for work, you know, so I dispatch the employees, the boilermakers, and, oh, negotiate contracts, and if there is a jurisdictional problem, problems between the various crafts—

Q. —As far as the members of the Boilermakers Union are concerned, do they have to come through you to get jobs?

[291]

A. Well, they come through, yeah, that's right, through the, through the boilermaker office.

Q. Which you are, you run?

A. Yeah, I am the Business Agent, yeah, we have officers—

Q. —So every—

A. —an executive board.

Q. Would it be accurate to say on your work days you will have a number of union employees or men looking for jobs and you place them in these jobs, is that correct?

A. Yes, sir.

Q. You farm them out to the different construction companies?

A. Yes, sir.

Q. And the ship companies, is that right?

A. Yeah, yeah. No ships, shops, shops and, and field construction.

Q. About how many men per day come through you that you place, that you give them work?

A. Well, there will be, there will be, it varies, it depends on how the work, the work is. Right now it's been slow.

[292] Q. It picks up in the summertime, doesn't it?

A. Not necessarily, I mean, I mean it just varies.

Q. You don't have a particular busy season?

A. Not no, not particularly, no, huh-uh.

Q. I see.

A. It's just whatever these, these refineries, you know, when they are building units, you know, you know, in addition to their plants, and new plants, and so on.

Q. So if a, if a union member wants work, he has got to go through you, then, right?

A. Well, yeah. Not necessarily, I've got a, my secretary can dispatch, you know.

Q. But she works under you?

A. Yeah.

Q. Are there certain requirements to be members of the union?

A. Yeah, there is specialties, welders, they certify, you know, I am certified, and if it requires a certified welder, well—

Q. —Are there any requirements of age to be a member of the boilermakers union?

A. Sixteen.

Q. How did Reagan get to be a member of the union, that was through you, was it not?

[293] A. Reagan never was a member of the boiler-makers.

Q. Oh, then it is not necessary to be a member of the boilermakers union to get work through you, is that correct?

A. That's right, to work, and, you know, and if, if you are qualified and why not, you can be dispatched to the job.

Q. Now you are a member of the union, are you not?

A. Yes, sir.

Q. If, say, for example, twenty-five men come to you on a particular day, or come to your office wanting work, and twenty of those are union men, do you place the union men first?

A. Not necessarily, not necessarily.

Mr. De Anda: Your Honor, we are not trying a labor relations case, and I don't see the relevancy

of all of this at all, what it has to do with anything in this lawsuit.

Mr. Pain: I'm leading up to something that I think would be quite relevant, Reagan's work and how he got it.

Mr. De Anda: Well, he got it through his father, that's been the testimony, and I don't see the relevancy of this. At least [294] the boilermaker work I am sure he got through his father, that's been the testimony, and I don't see the relevancy of what preference he gives to other people has to do with this case, if he gave any kind of a preference, or how he would go about choosing between a union and non-union man—

Mr. Pain: —It's leading up to the fact that might be relevant, if he did give any preference to his son—

Mr. De Anda: —I hope he did give preference to his son. I don't see the relevancy of it at all, to any issue in this case.

The Court: Well, I'm going to go ahead and let him put it in.

Mr. De Anda: All right, sir.

The Court: The objection is overruled.

By Mr. Pain:

Q. I think you testified that in 1966 that Reagan worked about three hundred and forty-three hours

at Four Dollars and Sixty Cents an hour, is that correct?

A. That's correct.

[295] Q. And that was for summer work in 1966?

A. Right.

Q. And he got that as a result of the fact that you were in a favorable position?

A. Well, I will, I will say this—that I, that I dispatched him to the job.

Q. Uh-huh.

A. Uh-huh.

Q. Now in the summer of 1966, how old was Reagan?

A. He would have been sixteen, I believe, or—

Q. —Was he old enough to do that type of work?

A. Yes, sir, he made, he made an excellent hand.

Q. Well—

A. —There was, it was lots of climbing to it, you know, and, and, and, oh, there was, there was various different phases of it, you know.

Q. Some of that work that you let out to him, as reflected on those 1967 W-2 Forms, some of it was pretty hard work, isn't it?

A. Yeah, it, it wasn't, well, let me see, it's pretty hard.

Q. It involved use of hard labor, does it not?

A. Yeah, you have—

Q. —Manual labor, I mean?

A. Manual labor.

[296] Q. Well, for a person to do manual labor in Texas, doesn't he have to be eighteen years old?

A. Well, I didn't, I never—

Q. —You weren't aware of that?

Mr. De Anda: Your Honor, I am not either, there ain't such a law, and I'm going to object to that, first of all, there is no law that says you can't do manual labor under eighteen, No. 1; No. 2, again, because it is not relevant to any issue in the case. There would be, I must say that this is, is probably favorable to me, to show that Reagan would have the advantage of, of being able to have sources of work that maybe others might not have, if this is the inference that we get from this line of questioning, but, but I don't see the relevancy of, of whether or not he was eligible or ineligible back when he was sixteen years old to any issue before us now, in that all we are showing is potential in the future, that's the only relevancy we have here.

The Court: My recollection, Mr. De Anda, is that most anything that a person does in [297] this kind of a case, under this Statute under which this suit is brought, is relevant with regard to what the future might hold as far as contribution and that sort of thing is concerned.

Mr. De Anda: Yes, sir, I agree with that, but I think, Judge, that where, whether he was working way back about 1966, and whether he should or should not have been working, or he was working in violation of some law which doesn't exist, but if it did, I don't think it is relevant now to any issue before us, the fact that he did work.

The Court: Well, as long as he had a preference, I think—

Mr. De Anda: —All right, sir.

By Mr. Pain:

Q. Did you, did you place Reagan in some work in 1968?

A. In '68?

Q. Yes, sir.

A. I don't, I don't, I didn't look that up there. I don't believe, I don't recall.

Q. You don't think you did?

[298] A. Well, I don't, I don't, I don't remember. If I did, it would have been just on the turn-around or something like that, you know, it was short.

Q. You gave him quite a bit of work in 1966 and 1967, you remember that, don't you?

A. Yes, sir.

Q. But you don't remember if you gave him any work in 1968?

A. Let's see, I believe I did work him in '68 for Berry Contracting, but I'm not certain.

Q. But it was not as much as in 1966 and '67, is that correct?

A. Not as much, it was a slow year, you see.

Q. It was nowhere near the Fifteen Hundred Dollars that he earned in '66?

A. No, I wouldn't think so. It could have been but—

Q. —Now on the night or the evening that Reagan cut himself, I think that was May the 23rd, 1968, you went to see him in the emergency room?

A. Yes, sir.

Q. Of Memorial Hospital, that's correct?

A. Yes, sir.

Q. And you stayed there with him for about, about [299] thirty minutes, would that be accurate?

A. I would say that would be about accurate.

Q. And you had only a short conversation with him at that time?

A. Yes, sir.

Q. Did you go back to see him while he was in the hospital for that admission?

A. Well, I was, I was there, there, there the night that, that, that night, you know.

Q. You went up to the floor where he was?

A. I went up to the floor where he was.

Q. Did you go in to see him, into his room?

A. No, let's see, I don't believe I did, I don't remember it, but I don't believe I did.

Q. You just went up to the floor where he was and then left without seeing him, is that correct?

A. I seen him, you know, through the, through the glass.

Q. Through the window?

A. Yeah.

Q. But you did not speak to him?

A. I don't remember whether I did or not.

Q. Now I think that you testified that you telephoned Sheriff Mitchell when you found out that he was going back, or he might be going back to [300] the jail from the hospital, that you telephoned Sheriff Mitchell, right?

A. Yes, sir.

Q. And that was for the purpose of—

A. —His security.

Q. Right, to see that he was going to be treated right up there and watched?

A. Yes; sir.

Q. And was this done upon advice of counsel?

A. Well—

Q. —Did Marvin Foster advise you to do this?

A. No, not at all. I was just real concerned about him, about him agoin' back, you know.

Q. So you just up and did it?

A. Yes, sir.

Q. And then you later went to the Courthouse, the County Courthouse where the jail is to see him, and they wouldn't let you in, right?

A. Yes, sir.

Q. And the reason for that was it wasn't visiting hours, is that correct?

A. It was, it was on, oh, visiting, visiting hours, it wasn't visiting hours.

Q. I mean that's the reason they would not let you see him?

[301] A. That's the reason, yeah, so I just left, I just left some change, some money there for him to buy him candy or whatever he wanted and needed, and I had some clothes there, you know, for him.

Q. When was Reagan born?

A. In 1943—

Mrs. Blouin: —No—

By Mr. Pain:

Q. —do you remember the date?

A. No, I wouldn't be sure about that, the date was December.

Q. Do you remember the day he died?

A. The date was December the 14th.

Q. Do you remember the date that he died?

A. Oh, the date that he died, that was May the 25th, I believe it was, wasn't it?

Q. What year?

A. Of '68.

Q. Do you remember taking your deposition last May, I think it was, or last March?

A. Yes, sir.

Q. And you testified under oath at that time?

A. Yes, sir.

Q. And I think at that time you were asked when Reagan died and you didn't remember, but you [302] have refreshed your recollection since that time, have you not?

Mr. De Anda: Your Honor, I'm going to object to that, that's not, I don't think there is any argument about when Reagan died, and if he is trying to prove this man has a poor memory, I will stipulate he has a very poor memory, if it will help shorten this thing.

Mr. Pain: It is going to be relevant, Your Honor, I think.

Mr. De Anda: Well, I will stipulate that Mr. Logue has a terrible memory, Judge.

Mr. Pain: It is not his memory I'm concerned about, Your Honor.

The Court: Well—

Mr. De Anda: —All right, go ahead, carry on.

The Court: I will let you go ahead. I don't see the

relevancy of it either, but if it turns out not to be, we will strike it.

By Mr. Pain:

Q. Now you knew that Reagan wasn't, he wasn't setting the world on fire with grades in school, [303] he was passig?

A. He was passing, but he and his mother, they went over that pretty close there, you know, his grades, and you know—

Q. —You weren't too much aware of what his grades were in school, is that correct?

A. No, not too much.

Q. Uh-huh, where did he go to high school?

A. Huh?

Q. Where did he go to high school?

A. King High.

Q. And he graduated from there in 19, when was it 1968?

A. 1968, right.

The Court: Well, Mr. Pain, have you got extended further cross examination or are you going to be through pretty quick?

Mr. Pain: I think it might last another ten minutes, Your Honor.

The Court: Well, let's, let's take a short recess at this time. We will reconvene in fifteen minutes.

The Marshal: Everybody stand. We'll take a fifteen minute recess.

[304] (After a short recess, Court reconvened in the above entitled and numbered cause, all parties present and presiding as before, to-wit:)

The Court: You may resume the stand, Mr. Logue. You may proceed, Mr. Pain.

By Mr. Pain:

Q. Now were you aware, Mr. Logue of an arrest in the spring of 1968, of Reagan, prior to the time that he was put in jail for the last time?

A. Let's see, aware of what date now, what date was it?

Q. Well, it was sometime before May the 22nd, 1968, two or three months prior to that time, I think, I don't know the exact date, but I think he was arrested then, are you aware of that?

A. (No answer)

Q. I believe he was picked up on a charge out of Austin.

A. Yes, sir.

Q. You were aware of that, do you know what the [305] charge was?

A. I don't recall what it was, what it was at that time. I believe it was, well, I don't know.

Q. Did it have something to do with drugs or narcotics?

A. Yes, sir.

Q. Do you know what type of drug or narcotic?

A. I don't know what, what type it was, marijuana, I believe it was.

Q. You believe it was marijuana?

A. Yeah.

Q. You could be mistaken, though?

A. Well, I could be.

Q. Now during 1966 and '67, were you claiming Reagan as a dependent on your tax returns?

A. Did I claim what?

Q. Did you claim Reagan as a dependent on your tax returns?

A. I don't, I don't recall whether I did or not. I am certain that I didn't, I mean I am not certain, but I don't recall.

Q. You just don't specifically recall?

A. I don't specifically recall.

Q. Do you know of any plans for college that Reagan had or that you had for him?

[306] A. He never did just specifically say what he had in mind, you know.

Q. So you just don't know whether or not he intended to go to college?

A. He intended to go, but he didn't, oh, he hadn't decided on what, what, you know, where he was again'.

Q. Did you know where he was going to college?

A. Well, he was, he was thinkin' about maybe goin' to Austin.

Q. To the University of Texas?

A. Yes, sir.

Q. Is that what he told you?

A. Yeah, that's what, that's what, that's what he told me.

Q. Do you know whether Reagan was ever expelled from school?

A. Yes, sir.

Q. More than once?

A. Well, I couldn't say whether it was more than once.

Q. You don't know?

A. No, I don't remember.

Q. Do you recall having to go down to school one time to get Reagan because you had received a [307] complaint that he was down there drunk?

A. That he was drunk?

Q. Yes, sir.

A. No, sir.

Q. You don't recall that?

A. I don't recall it.

Q. Were you aware of any prior suicide attempts by Reagan prior to the time that he cut himself in the jail?

A. I remember, I remember one—not that, I don't remember just the, just the date, but I remember him atakin some sleepin' pills that his mother had there at the house.

Q. What happend to him then, do you know?

A. Well, he was taken to the hospital and, and, and got aid there, you know.

Q. Do you know how long he stayed at the hospital?

A. Oh, I don't know just exactly.

Q. Well, approximately, to the best of your recollection.

A. Well, I'd say approximately not over two days, I think maybe a day or so.

Q. Were you aware of any other suicidal attempts by Reagan, other than the taking of the pills and the incident at the jail later?

[308] A. Well, I, I, I, I don't know whether it was a suicide attempt, but he, he and another boy were at 425 Longview, were at home, Reagan's home, and the gas jets were turned on some way or other and they were both taken to the hospital then.

Q. Uh-huh, do you know when that occurred?

A. That occurred in, not the date, no.

Q. Well, about when it occurred.

A. Well, let's see, that was in '67, I believe it was.

Q. All right, do you know when the incident of the pills occurred?

A. Well, that occurred right after he was arrested the first time, as best I remember it, for marijuana.

Q. Do you, can you recall the approximate date of that time?

A. No.

Q. Now after that, I think you mentioned that the gassing might have been a suicide attempt—

Mr. De Anda: —No, he didn't mention that at all; that was his question, Your Honor, and all he said was that Reagan and another child, a youngster, were in [309] the house and, and they were both taken to the hospital because of the gas jets being on.

Mr. Pain: Well, it was in response to a question concerning suicide and he did mention it.

Mr. De Anda: That was your, his answer to your question; he didn't say it was suicide.

The Court: Well, I don't believe he did either. You may rephrase your question.

By Mr. Pain:

Q. After this suicide attempt concerning the pills, did you seek to obtain any psychiatric help for Reagan?

A. It seems like, seems like we did send him to a psychiatrist.

Q. It seems like you did?

A. Yeah, uh-huh.

Q. Well, do you recall specifically whether you did or not?

A. Well, I'm almost certain that we did, yeah.

Q. Do you know the name of the psychiatrist?

A. I don't know.

Q. Did Reagan go to see this psychiatrist?

[310] A. Well, let's see, he did, yes, sir, yeah.

Q. How many times?

A. I don't, I don't, I don't recall how many.

Q. You just don't know?

A. Huh-uh.

Q. Now when he was put in the hospital as a result of taking the pills, did you go up there to see him?

A. Yeah.

Q. How many times?

A. Well, I don't recall that either, how many times.

Q. But you did go up and see him and talk to him?

A. I did, I did go up and see him.

Q. Do you know when it was in relation to when he was taken to the hospital?

A. No, sir.

Q. Now isn't it a fact that Reagan had not ever helped financially up to the time of his death?

A. Reagan, Reagan would give me money to keep,

we helped one another, I mean, I purchased a car for him and he—

Q. —But had he ever helped you financially?

A. Yes, sir.

Q. Well, I will, again, invite your attention to [311] the deposition that was taken last March, and I will ask you if you recall this particular question and this particular answer, I will ask you to read it—

A. —Okay.

Mr. De Anda: What page?

By Mr. Pain:

Q. Page 31, the deposition of Orval Logue, and starting at Line 10, would you read the question, please, sir?

A. Yes, sir, this? (Indicating)

Q. No, sir, at Line 10.

A. Line 10, "Had he, had he, had he helped you financially up to this time? He had not."

Q. Does that refresh your recollection a little bit, Mr. Logue?

A. Well, what, what I mean by that is, I mean, I mean his help, he helped me pay for the, for the car that I purchased for him and so on like that, and he, he, he from time to time bought his clothes, his school clothes and all, and—

Q. —Now you know Marvin Foster, do you not?

A. Yes, sir.

Q. Did you retain Marvin Foster to assist Logue in his, in the criminal charge that was against

[312] him, the criminal charges that were against him out of Austin?

A. Yes, sir.

Q. Do you recall how much Marvin's fee was going to be for that?

A. I don't recall.

Q. But you do recall that there was some talk about a fee?

A. Well, it, it would depend on what, how much it was, how much was involved.

Q. Let me rephrase the question—you didn't expect Marvin Foster to work for nothing?

A. No, sir.

Q. You did intend to pay him some fair legal fees, did you not?

A. Yes, sir.

Q. And you did pay him some on that?

A. Some.

Q. Do you recall about how much you paid him?

A. Well, I paid him around, about Two or Three Hundred Dollars retainer.

Q. Uh-huh, does the figure Thirty-five Hundred Dollars mean anything to you as far as what Marvin Foster's fee might have been, had there been a trial, does that seem about right?

[313] A. That sounds like maybe it's about right, it was about right there.

Q. Now did you also understand that Marvin was, Marvin Foster was going to represent Reagan on the indictment that came out of Laredo?

A. Did I understand that he was?

Q. Yes, sir.

A. Yes, sir.

Q. And did you discuss a fee with Marvin in connection with that particular charge?

A. No, no, no fee there that I recall.

Q. But here, again, you expected Marvin to represent you and you knew that Marvin Foster was not going to work for nothing?

A. Yes, sir.

Q. Did you put up any bonds for Reagan on either or any of his arrests?

A. I put up a bond, I, I, I didn't put the bond up myself, a friend of mine put the bond up.

Q. I see, was it with a surety?

A. What?

Q. Was it with a bondsman?

A. No.

Q. Was it a surety bond?

A. It was, it was just a friend of mine that went [314] his personal, personally went his bond.

Q. Did you have to pay a fee for that?

A. No, sir.

Q. That was just a favor?

A. Just a favor.

Q. Now I am sure that you have discussed this lawsuit with your lawyer, have you not?

A. This?

Q. This particular lawsuit here.

A. Yes, yes, sir.

Q. Okay, and you are reasonably familiar with the facts and what he has discussed with you, are you not?

A. Yes, sir.

Q. Did you make any objections to any one when you found out that Reagan was going to be trans-

ferred from the Memorial Hospital to the County Jail in May of 1968?

A. Did I make any objections?

Q. Yes, sir.

A. No, it, it happened so fast there that I don't, I don't, I don't believe I did, I don't remember, but I—

Q. —To the best of your recollection right now, you did not?

[315] A. Yeah. I got, I got, I tried to contact my attorney, you know.

Q. That was Mr. Foster?

A. Uh-huh.

Q. Now when you saw Reagan in the emergency room the evening of the 23rd, did you notice that he had a bandage around his arm?

A. Did I notice that he had a bandage around his arm?

Q. Yes, sir.

A. You mean when I first saw him?

Q. Yes, sir.

A. I don't recall whether he had it on his arm at that time or not.

Q. Did he subsequently have it on his arm as a result of the doctor treating him?

A. I'll tell you, I was much excited there, I don't know exactly just what—

Q. —Well, I can understand that, you just don't recall whether you saw it or not?

A. (Shaking head no)

Q. And I think you testified that you went up and saw Reagan through the window on the seventh floor one time after that, is that correct?

A. Well, I just don't remember. I wasn't, I, I [316] went and saw him after he was admitted to the seventh floor, I was up there quite some time, and Dr. Gwin came in and, and then, well, I never went back, I don't believe.

Q. And you did not talk with Reagan at that time, did you?

A. Not that I recall.

Q. Now you have smelled glue before, have you not?

A. Yeah.

Q. Airplane glue?

A. Yes, sir.

Q. And you know what it smells like?

A. Yes, sir, it's been a long time, but I know what it smells like.

Q. Have you ever heard of anyone sniffing glue for kicks, I suppose you have read about that in the newspapers, have you not?

A. Yes, sir, yes, sir.

Q. Have you ever been aware that Reagan sniffed glue?

A. I never was aware of it, no, sir.

Q. And I presume that, then, that you would not be aware that he may have sniffed glue in your house?

A. No, sir.

[317] Q. From 1966 on, do you know if Reagan ever did any work that you did not assist him in getting the jobs?

A. Let's see, from 1966 on—yeah, he worked for Hammons, I forget the initials, but his name is Hammons, he is a building contractor.

Q. I see, and you did not get that job?

A. I didn't have nothin' to do with that job.

Q. How long did he work for those people, do you know?

A. I don't recall how long he worked.

Q. Do you know about when—

A. —It wasn't long.

Q. A week or so?

A. Probably.

Q. Do you know about when this occurred?

A. Not specifically.

Q. Is that the only time that you can recall that he did some work that you didn't get the job for him?

A. Well, he, he got work, he worked as, in grocery stores.

Q. I mean after 1966.

A. After 1966?

Q. Yes, sir.

[318] A. That's the only one that I recall. He could have, but I don't remember.

Q. Did you ever visit the boy in jail?

A. Ever?

Q. Visit Reagan in jail?

A. Yes, sir.

Q. Do you remember when that was?

A. That was the day after he was arrested.

Q. Well, for which charge?

A. For the, for the Laredo charge, the last time that he was arrested.

Q. You had never visited him in jail prior to that time?

A. Let's see, I might have, I don't recall.

Q. Do you ever recall him, while visiting him in

jail, putting his head against the bars, making a, making a run at the bars and butting his head against the bars?

A. No, sir.

Q. You don't recall that?

A. (Shaking head no)

Mr. Pain: Your Honor, I have no further questions at this time.

The Court: All right, Mr. De Anda—

[319] REDIRECT EXAMINATION

By Mr. De Anda:

Q. Orval, did you love your boy?

A. Yeah, I did.

Q. To the best of your ability, did you try to do the best you could for him?

A. I did the best that I knew how.

Q. How far did you go in school, Orval?

A. What's that?

Q. How far did you get in school?

A. Myself?

Q. Yes, sir.

A. I went to the Fifth Grade.

Mr. De Anda: I have no further questions of this witness, Your Honor.

Mr. Pain: I have none.

The Court: All right, you may step down, Mr. Logue.

WITNESS EXCUSED

The Court: Call your next witness.

Mr. De Anda: Call Mr. Vaught, if you will, [320] please.

HOWARD VAUGHT,

was called as the next witness on behalf of the Plaintiffs, first being duly sworn to tell the truth, the whole truth, and nothing but the truth, testified as follows, to-wit:

DIRECT EXAMINATION

Mr. De Anda: May we proceed, Your Honor?

The Court: Yes, sir, go ahead.

By Mr. De Anda:

Q. Please state your name, sir.

A. Howard Vaught.

Q. Mr. Vaught, where do you live?

A. At the present time?

Q. At the present time, where do you live?

A. I'm living in Winnemucca and Elko, Nevada.

Q. All right, sir, you are, I believe, you have had a heart condition?

A. Yes, sir.

Q. And you had a heart attack here when, about a year—

A. —April the 20th of 1970. I am still on sick [321] leave pay.

Q. All right, and how are you employed, sir?

A. I am not employed now. I am concerned with restoring myself to health.

Q. All right, prior to the time of your heart attack, how were you employed?

A. As U. S. Probation Officer at Corpus Christi.

Q. How long had you held that position?

A. About fifteen years.

Q. And what is your educational, your academic background, Mr. Vaught, where did you go to school and what sort of a degree did you receive, if any?

A. Columbia University, my degree is in psychology.

Q. You have a Bachelor's Degree?

A. Yes, sir.

Q. And you, during the entire time that you were Probation Officer in that fifteen year period, that was here in Corpus Christi?

A. Yes, sir.

Q. And for the record, what is your, what were your duties as Federal Probation Officer?

A. It was to make investigations for the Court as directed; to supervise the probationers of this and other Courts living in the Corpus Christi [322] and Victoria Divisions; also, Parole Officer, I represented

the Department of Justice, the Bureau of Prisons, and the Border Patrol, Border Patrol.

Q. And you were so employed in May of 1968?

A. Yes.

Q. Did you have the occasion in connection with your duties as Probation Officer to know during his lifetime Reagan Logue?

A. Yes.

Q. And when was the first time that you came in contact with Reagan, and why was it that you came in contact with him?

A. He was referred to me by the U. S. Probation Officer Griffin from Austin, where he had pleaded guilty to a misdemeanor, or in the United States Court in Austin, and he was to report to me for the purpose of helping me in a pre-sentencing investigation. He was brought to my office by his father, Mr. Orval Logue, or rather the two came together.

Q. All right, then when you first met him, Mr. Logue accompanied Reagan to your office?

A. Yes, sir.

Q. And following that meeting, did you have the [323] occasion to, to see Reagan Logue, visit with him, or talk to him?

A. Yes, numerous times.

Q. Over what period of time, Mr. Vaught?

A. There is quite a length of time between the request for a pre-sentence investigation and the date of sentencing, and as I recall, it must have been over a period of, of, of a month, I would think—

Q. —All right—

A. —three weeks or a month.

Q. Now this particular month, let's pin it down,

when was that, this month period when you were seeing him pretty—

A. —Largely in the month of May, 1968.

Q. May of 1968?

A. Yes, uh-huh.

Q. That would have been the month that he died?

A. Yes, sir.

Q. All right, was the first time that you came in contact with him in May of 1968?

A. It could have been April.

Q. All right.

A. The last part of April, as I recall.

Q. In other words, you had contact with him for one [324] or two months—

A. —Yes, uh-huh—

Q. —prior to his death?

A. Uh-huh, yes.

Q. How frequently would you see Reagan Logue?

A. Oh, the first week or so, I saw him on two occasions that I recall.

Q. All right.

A. And as this was a misdemeanor, and as the scope of the pre-sentence investigation was limited, I sent the report in and told Reagan this—that it was gone and with the recommendation—I did not tell him the recommendation, but it was after the pre-sentence was submitted, the pre-sentence report was submitted that Reagan called, would call me on the phone and talk to me for some length of time, and then come into my office.

Q. Was this because you asked him to come in, or would he come in because he wanted to come in?

A. It was entirely of his own volition. Under these

circumstances, I didn't feel that it was proper to even encourage him, but he came entirely of his own volition.

Q. In other words, you had already concluded your [325] pre-sentence—

A. —Yes, sir—

Q. —investigation, and had filed your report?

A. Yes, sir.

Q. Would that have terminated your official duties and responsibilities insofar as Reagan Logue was concerned at that point?

A. At that point, yes, sir.

Q. So that any visits that you had with him thereafter were not anything required by the Court, or by the pre-sentencing investigation?

A. No, sir.

Q. Because that was already done?

A. That's right.

Q. What did you recommend with reference to your pre-sentence investigation, what did you recommend to, as far as Reagan Logue was concerned?

A. Well, it was a bit of an unusual recommendation for a misdemeanor, but I had, I had concluded that there was, that he was self-destructive, that he had some destructive tendencies and I recommended that he be committed to a hospital because of this.

Q. All right, and then following—strike that. [326] So then, actually in your pre-sentence investigation which was filed, you recommended even at that time hospitalization and treatment for Reagan Logue?

A. Yes, uh-huh.

Q. Was that for any physical ailment or was it confined strictly to what we would call mental or a psychiatric condition?

A. I saw him as a disturbed, very, rather severely disturbed, severely disturbed emotionally, and immature, and I had a very strong feeling that there was a possibility that he could or could tend to hurt himself.

Q. All right, now following this report that you sent in, and having formed this conclusion, I believe you said that you continued to see Reagan Logue?

A. Yes, I did.

Q. I believe you mentioned that you did not disclose to Logue what you had recommended?

A. No, I, I, I was a bit, I might have been a bit devious, I did tell him that I did not recommend prison, but I did not tell him what I recommended.

Q. All right, following, and following this report, [327] about how many times did you see Reagan Logue when really it was not necessary to see him, but because he asked—

A. —Well, Reagan—

Q. —you to see him?

A. Reagan would come in, sometimes call, ask to come in, and at other times just come in, usually after work, and with increasing frequency. And a couple of times, oh, every three or four days, and then every two or three days, it got to where he would be in about three times a week, and he would stay for, usually about quitting time, if a Probation Officer had a quitting time, and we would often just sit there for, 'til 6:00 or 7:30 at night and talk.

Q. Would you be talking to him during this time?

A. Yes, uh-huh.

Q. In other words, your talk sessions lasted anywhere from, well, more than an hour?

A. Oh, yes, yes, we had very, very extended talks.

Q. What sort of a person was Reagan, and I'm getting at what qualities, from your observations of him and talking to him, what qualities did he have that you would consider, attribute, what problems did he have that you would consider [328] liabilities.

A. Well—

Q. —Just as an individual, I want you to tell the Judge, the best you can, what kind of a person he was.

A. Reagan was a severely disturbed, reflecting what I thought was an unstable, almost traumatic environmental background; he was immature, I'd say at best mid-adolescent.

The Court: I have heard the word adolescent used, what is meant by adolescent, or mid-adolescent as you used that word?

The Witness: Oh, that's a very difficult period of time, between the narcissus and an adult, or the, it varies with people, it doesn't, with different people it is not, well, it is difficult to say what ages, but usually from puberty to, to the time when they assume some of the manners of adulthood.

By Mr. De Anda:

Q. And he was going through this period of adjustment, then?

A. Yes.

Q. What we might call the—

[329] A. —Yes, a very, a very difficult time, he was having a difficult time of it.

Q. All right, so you have described him as a disturbed person, and what about his qualities as, if he had any, what did you find in him?

A. Well—

Q. —What did you see in him?

A. Well, at the time that I had last seen, last seen Reagan, after these long series of talks, I had noticed in him certain redeeming traits; he was not a vicious person, and, and quite, in fact, he was opposed to violence—

Q. —I'm sorry—

A. —I felt that he was opposed to violence of any kind. He didn't, he never did, I never did hear anything that would indicate this sort of thing. He was a generous person, he was, I would think at this time he was grasping, trying to understand, to get direction, or to find some direction in his life. I think, too, he was what has been described as a social drop-out at that time, but he was wanting to establish and foster and adopt a set of values and attitudes of his own. He discussed matters along this line that I thought was much too [330] deep and too advanced for his abilities. It was, in my opinion, anyway, it was beyond, some of his discussions, philosophical discussions were what, well, they were beyond my knowledge and scope.

Q. I believe you used the word, social drop-out, was he rebellious or was he resentful of anything?

A. No, he was not rebellious or hostile; that was another quality that I should have mentioned. Perhaps he, he rejected what he called the hypercritical

values of the older generation, or most of them, anyway.

Q. All right, now why did you, did you form any opinion or conclusion as to why he was coming to you and having these talks?

A. Well--

Q. —What motivated him, is what I am trying to find out?

A. Well, I thought that he was searching for some sort of direction, something that he could grasp, something he could believe in and apply himself to. I thought he had quite a long ways to go, but he was going in the right direction at that time.

Q. Would it be fair to say he was seeking help—
[331] A. —Oh—

Q. —or that sort of thing?

A. That was very apparent, I think, too, that there was a lack of adequate, close, meaningful interpersonal relationship in his background; that that was, had been lacking, and I think that, that, first, he was first polite and cooperative, and then when he learned that I would listen, I think he was trying to identify with me.

Q. All right, now following these conferences and so forth—by the way, during this time, did you get any indication of any kind observing the boy or from talking to him, that he was still using any sort of drugs or narcotics?

A. Well, he, he, of course, was never, never would come to my office under the influence of drugs. I have never seen him under the influence of drugs, but it was my opinion that he did, did continue to use them. How often, I don't know.

Q. All right, now, Mr. Vaught, I believe you recommended hospitalization for him, you said?

A. Yes, sir.

Q. Is there, in youngsters of, of Reagan Logue's age, is there an extensive use of marijuana [332] and these other narcotics that we've been talking about?

A. At his age, yes, it is very extensive, it is tragically extensive.

Q. And can you give me some, do you have available to you some percentages as to how many youngsters, perhaps, say, in the college age and of high school age, that are involved in the use of marijuana, for example, or other, some of these other drugs, such as LSD? I am not talking about heroin, but I am confining myself to marijuana and drugs such as LSD or these other milder forms of drugs, if I can use the word.

A. Are you speaking of, may I ask, are you speaking of secondary schools or kindergarten, or—

Q. —I was talking about high school.

A. High school?

Q. I believe I mentioned high school and college.

A. I think there is a wide range of estimates that have been made by many so-called self-assumed experts in the field, but I think the consensus, and I think it is most accurate, in my opinion, it is about twenty percent of the high school age.

Q. Does that percentage increase as they get into [333] the college years, or does it decrease, in your opinion?

A. It increases dramatically in the freshman and sophomore years, and then it drops off in the junior and senior years of college, and then dramatically

drops again as they leave and enter the first competition with preoccupations, and then it, well, it's almost like a bell curve.

Q. I'm sorry, I didn't get the last—

A. —It is almost on a bell curve, starting from kindergarten back into adulthood.

Q. All right, the fact that a person, a youngster is involved in, in this sort of thing, these percentages that we have been talking about of young people that do use these drugs, does that mean that we can write that child or that youngster off, does he have any hope of rehabilitation, or what is your opinion in that regard?

A. Oh, this twenty percent of high school kids that use it, as they grow older, unless they are, they get hooked on stronger drugs, and as they continue maturing into adulthood, they, the percentages drop off again. It would have to be, or the older generation better never die, you know. The, the twenty percent, of course, [334] can not be written off at all.

Q. All right, have you had experience in the fifteen years that you were here in dealing with youngsters that got involved in problems such as Reagan Logue was involved in, with narcotics, who subsequently grew into manhood, into adulthood?

A. Very many of them, some of whom became attorneys, physicians.

Q. All right, what percentage, if you can give me a percentage, of youngsters that were involved in this sort of activity that you had dealings with and had dealings with and worked with, rehabilitated themselves, so to speak, or be, became useful citizens?

Mr. Pain: Now, Your Honor, I would object to that; what percentage of, of the ones that have used drugs, that he knows about, that would become useful citizens, I think that is purely speculative on his part. I don't think he would even know; he might be an expert, but I just don't think that there is any basis for whatever opinion he might give for that percent of the people who used it and later became [335] useful citizens, except—would you read the question back?

The Court: That's not speculative.

By the Witness:

A. I would answer it like this—my official connections with them can last no more than five years usually of all classes of offenders, probationers. The number that would get through the five-year period would approach ninety percent. This includes all offenders, but those who were convicted, or those who used marijuana among those offenders, who, who completed probation, I, I, I don't believe I could give a percentage, neither could I tell you that of these, that percentage that got through, how many had quit or continued to use marijuana, but I can recall of many who have gone on to become good, useful citizens that I am sure do not use it now in their jobs and capacities. Is that responsive? I'm sorry—

The Court: —Mr. Vaught, let me ask a question so that I will be sure I understand what is going on in this thing. When you are talking about twenty

percent, you are not saying that twenty percent of [336] that age group has been before you as a Probation Officer, or you have had dealings with them in pre-sentencing reports, or anything like that?

The Witness: Oh, no, sir, I think, I understood the question to be what percentage of boys that age in a secondary, in the secondary schools, this is high school—

The Court: —I understood the question to be directed to the people that you have had actually, who you have come in contact with in your work as a Probation Officer.

The Witness: Oh, no, sir.

The Court: That's why I said it was not speculative. Now if you are just asking about the twenty percent in Nueces County, or some place, then that is speculative.

Mr. De Anda: Judge, we're talking about the twenty percent, the twenty percent question that we talked about earlier was a general question, as to the quantity of, to the degree of use prevalent in this age at school.

The Court: That is what I understood—

[337] Mr. De Anda: —And then the last question I asked him, which Counsel objected to, I was limiting my question to, to the people that he had dealt with.

The Court: That's what I was trying to get at, so that your last question is related solely to the people that you have dealt with yourself?

The Witness: Yes, sir.

The Court: All right.

By Mr. De Anda:

Q. Now, Mr. Vaught, in your response to the question let me be sure that I understand it, you used the figure of ninety percent, but that was, that included all the people that you dealt with—

A. —On probation.

Q. —on probation, and then you said you couldn't give me a percentage specifically limited to people involved with narcotic problems, marijuana—

A. —Marijuana—

Q. —but that you know of many, many cases where you have dealt with these people, and of your own knowledge, that they have gone on to become an asset to their community and have rehabilitated themselves.

[338] A. Yes, that's right.

Q. All right, let me ask you something specifically about Reagan Logue, if you can give me an opinion, you, first of all, let me ask you this—the amount of time that you spent with Reagan in this period that we are talking about, would that exceed the amount of time that you normally would spend with probationers or people that you were dealing with on pre-investigation, pre-sentencing investigations?

A. Oh, yes, a great deal more because of the frequent visits.

Q. All right.

A. Most of them are content to sit and wait; they don't want to see me as, well, they want to see me as little as possible.

Q. Okay, based on your knowledge of Reagan Logue, and I'm talking now only about Reagan Logue and not statistics—

A. —Uh-huh—

Q. —based on your knowledge of Reagan and his attitude, and the nature of the problem as you understood it to be, and from what you have, from what you had found out from your investigation, is there any reason that you know of why [339] you feel that Reagan could not have, with proper medical attention and psychiatric therapy, rehabilitated himself and joined this vast group of rehabilitated people?

A. No, no, I know of no reason to see, I know of no reason that Reagan Logue could not have overcome these problems. I have seen many with much worse problems that overcame it without many of his good qualities, and who did become good citizens.

Q. Now with reference to Reagan Logue again, did you have an occasion to find out, or get in any way involved with his incarceration on May the 22nd, 1968?

A. Yes, I probably injected myself into this. After a series, during the course of these talks, or it might have been before, when he discovered that he was being investigated for a felony charge, I became even more concerned that he was suicidal, more convinced that he was suicidal, and so much so that I went to his attorney over here in the witness room, the

attorney, Marvin Foster, was here on another case, and I asked Marvin that if he should be indicted, that his parents and everyone else [340] that could have any influence, should watch him very carefully because I felt that it was a real danger that he would try to hurt himself, in fact, kill himself.

Q. All right.

A. Then I was returning from a trip out of town and I learned of his arrest. But it was an official trip out of town, and I came by the County Jail late one evening, it must have been 6:00 or 7:00 o'clock, and I was told that Reagan was, had been put in jail, and had cut his wrist and had been taken to the hospital. And they asked me to help them find a U. S. Marshal, there was not one available in this part of the country, or the south, and I finally got in touch with Chief Deputy Casey Slocomb, who did, then, authorize Reagan's removal to the, from the County Jail to the hospital for treatment of the arm.

Q. Well, you say they, they asked you to help them, who is they?

A. They, the jailers, the ones that—

Q. —At the Nueces County Jail?

A. At the Nueces County Jail.

Q. And so at their request, then, you contacted [341] Mr. Slocomb, Casey Slocomb?

A. Yes, that's right.

Q. And thereafter he authorized the admission of Reagan to the hospital?

A. Yes, sir.

Q. At that time was Reagan already in the hospital?

A. I believe he was not in the hospital, but they were seeking authority to do it, someone to, who would pay for it.

Q. All right.

A. The right to do it. They are very concerned about moving Federal prisoners and they wanted to be sure that they had the right to do it.

Q. All right, so this was your first contact with his incarceration, which was this request by the Sheriff—

A. —Yes—

Q. —or someone there at the jail, that the U. S. Marshal's office be contacted?

A. Yes, that's right.

Q. And that was because there was no one here locally at that time?

A. There was no one here, nor in Edinburg, or Brownsville, that I could contact. I couldn't get any of them.

[342] Q. All right, thereafter, after you, this was done, Mr. Vaught, did you have any occasion to contact the Marshal's office, or was there any conversations between you and any members of the Marshal's office?

A. Yes, the next day, the next morning, rather early, Deputy Marshal Bowers came up from Edinburg to Corpus Christi. And I am sure for this reason, for this purpose, and we discussed the situation. He had already been informed of the circumstances of what had happened, but we discussed it and I had given Mr. Bowers my opinion of Reagan.

Q. All right, can you tell me specifically what your conversations were, as best you can recall?

A. Well—

Q. —With Mr. Bowers.

A. That was—

Q. —Let's take them one at a time; you say this happened on the morning of May the 23rd, it would have been—no, would it have been the morning of the 23rd or the 24th, I'm sorry—

A. —I can't recall.

Q. All right, for the record, I think it would have been the 24th, Reagan was taken to the [343] hospital on the 23rd of May.

A. This would then have been the 24th, I'm sure.

Q. The following morning would have been the 24th. All right, now when was your, what time was your first conversation with Mr. Bowers?

A. It was about 8:45, 9:00, perhaps 9:00 o'clock in the morning.

Q. All right, and what was the conversation that you had with him?

A. It pertained entirely to Reagan Logue.

Q. All right.

A. And the conversation, as I recall—I recounted to him what I knew of it, and also told him what I thought of Reagan's propensity to self-destructiveness. I suggested to him that if it were possible for him to do so, to get permission to keep him in the hospital, that I thought he needed hospital, hospitalization at the time.

Q. All right, and was Mr. Bowers aware of the, of course, he was aware that Reagan had tried to kill himself in the pail—

A. —Oh, yes.

Q. Now did he give you any indication that he

understood the problem as far as Reagan's suicidal tendencies?

[344] A. Mr. Bowers said that he would see what he could do about leaving him in the hospital. He went out to the hospital and came back, as I recall, I don't, I don't, this is not, this is all by memory, I made no notes, and it's been what, it seems to me it's been a hundred years ago, but I saw him before, I think, and after he had made the trip to the hospital. He told me that he would try to do what he could do to see if he could get permission to leave him in the hospital.

Q. All right, and did you have any, any subsequent conversations with Blackie, Blackie Bowers about this?

A. Very briefly. He would report to me the developments of who he had called and his efforts to, to keep him there.

Q. Why would he do this, did you have any official connection with the incarceration or the decision, any voice in the decision at all?

A. No, I didn't. Blackie knew that I was concerned and Blackie was also a very kind person and was concerned himself.

Q. All right, so he knew you were worrying, he knew you were worrying about Reagan and Reagan's [345] going to jail, and he was more or less keeping you posted on the developments?

A. Yes, sir, that's right.

Q. Did you talk to, to anyone else, Mr. Vaught, with the Marshal's office concerning this, this problem of keeping the decision, of keeping Reagan Logue in jail?

A. No, I did not.

Q. Insofar as you were able to, did you convey to Mr. Bowers everything you knew about Reagan's mental condition and his suicidal tendency?

A. I told Mr. Bowers that I felt that if Reagan was given an opportunity, he would try it again.

Q. All right.

A. That he was—

Q. —And this occurred on the morning of May the 24th when Reagan was still in the hospital?

A. Yes, in fact, throughout the day. He, I, our meeting, I think the last conversation that I had with Mr. Bowers was somewhere about 2:30 or 3:00 in the afternoon right out here in the hall; I happened to be on the second floor and he told me, I thought it was apologetically, but he announced that he had nothing, nothing, that he had to take him back, he had no choice, [346] that he was ordered to take him back to jail.

Q. All right, now from that point on, did you have anything further to do, or talk to anyone further about Reagan Logue before his death?

A. No, I felt—I had been informed that Judge Connally had signed an Order committing him to, I believe, a hospital or medical center for Federal prisoners at Springfield for observation, this was my information, and I had never seen the Order, I don't know, and I understood, also, that he was to be taken very shortly to the, to this hospital. I thought at that point that I had done what was within the purview of my job, and as far as I could, as far as I could butt into the Marshal's territory.

Q. All right, so you had no further conversations

with anyone pertaining to Reagan, then, as far as you can recall, before his death on the following day?

A. There was one other, one other thing—when I learned of the indictment, and, and I was going out of town on an official trip, and I called Marvin Foster and told him that, I asked him to inform the jailers down there and make them aware of the situation at the jail, or at the [347] Nueces County Jail, you know, Marvin Foster knows them all, and I think had some influence on the thing.

Mr. De Anda: We will pass the witness, Your Honor.

The Court: We will recess for noon, and we will reconvene at 2:00 o'clock.

(And thereafter at 2:00 o'clock P.M., Court reconvened in the above entitled and numbered cause, all parties being present and presiding as before, the following proceedings were had, to-wit:)

The Court: Please be seated. You may resume the chair, Mr. Vaught, you may proceed.

Mr. De Anda: As I recall, I had—

The Court: —You had rested?

Mr. De Anda: I had concluded my [348] examination of Mr. Vaught as a witness.

The Court: Oh, yes.

HOWARD VAUGHT,

was recalled to the witness stand, having previously been duly sworn, testified as follows, to-wit:

CROSS EXAMINATION

By Mr. Pain:

Q. I think, Mr. Vaught, that you testified that twenty percent of the high school students are users of drugs, was it drugs, or was it marijuana that you were referring to?

A. Drugs.

Q. Drugs?

A. Yes, sir.

Q. What would that include?

A. That would include marijuana, hallucinagens, amphetamines, barbituates, that group.

Q. Would heroin come in that classification that you named?

A. No, there is still another estimate of around five percent which are users or pops heroin.

Q. Well, then this twenty percent does not include [349] heroin users?

A. No, sir.

Q. So if you included heroin users, it would be higher?

A. Yes, sir.

Q. Would it be a figure of twenty-five percent, is that correct?

A. Yes, this is a consensus of estimates and surveys.

Q. Now this twenty-five percent is confined to the Corpus Christi area?

A. No, it is not confined to—

Q. —Is it the Texas area?

A. Yes, the Texas area, certainly the Houston area.

Q. Or is it a more expanded geographical area, such as the southwestern areas, or what does this twenty percent include?

A. I'd say nationally.

Q. You would say nationally?

A. Yes.

Q. I see.

A. There has been surveys.

Q. Would this statistic include from New York City, as well as perhaps Midlothian, Texas, is that [350] correct?

A. Yes, and the average would, would be maybe much higher in New York and not as high in Midlothian, but the average is, as I repeat, the consensus of many, many, a number of surveys.

Q. So this twenty percent is a nation-wide figure?

A. Yes, sir.

Q. Then the twenty-five percent, if you include heroin users, is also a nation-wide figure?

A. Yes, sir, this is for the secondary schools only; it's much higher in college.

Q. Would you consider that this twenty-five percent figure would apply to the secondary schools in Corpus Christi?

A. On an average, yes, the schools will vary here. I happen to have a little better knowledge of the Corpus Christi Schools and some schools are worse than others, but I think that twenty percent would be a rather accurate figure.

Q. Would you consider this percentage of drug

users higher or lower in Corpus Christi than in New York City?

A. I think it would be lower here.

Q. Do you think that, how would you compare the percentage of high school drug users in Corpus [351] Christi with the percentage of high school drug users in Houston?

A. A little bit lower.

Q. Lower for which?

A. Corpus Christi—

Q. —How would you compare—

Mr. De Anda: —Would you please complete your answer.

The Witness: There has been a big increase in Corpus Christi in the past, since the early, early summer of 1969, in the use of all drugs, but especially heroin. This twenty-five percent, then, would, would include heroin, which is out of proportion to marijuana, marijuana users.

By Mr. Pain:

Q. The twenty-five percent figure, you say—I will rephrase the question—you say the percentage has increased since sometime in 1969?

A. In this city.

Q. In this city?

A. Yes, sir.

Q. Has it increased to the twenty-five percent figure that you mentioned or from the twenty-five [352] percent figure that you mentioned?

A. It has increased to the twenty-five percent. This is all relative.

Q. Prior to 1969, it was below twenty-five percent?

Mr. De Anda: I don't believe that the witness has completed his answer.

Mr. Pain: Your Honor, I believe he did complete that answer.

The Court: I thought he did.

Mr. De Anda: Well, I thought he said something else.

Mr. Pain: If he said something else, it wasn't being responsive to the question.

The Court: Go ahead and ask another question.

Mr. Pain: Would you state the question again, please?

(The following question was read back by the Reporter and was as follows: "Prior to 1969, it was below twenty-five percent?")

By Mr. Pain:

[353] Q. Prior to 1969 would you estimate that this level of drug use in the secondary schools in Corpus Christi was below, or above twenty-five percent?

A. It was below twenty-five percent, quite a lot below the twenty-five percent because of the, of the very small use of heroin among the high school students. This is what raised the Corpus Christi percentage to—

Q. —What was the percentage prior to 1969?

A. I would say the habitual users.

Q. Well, now are you referring to habitual users or just users?

A. I will say those that smoke it when they can get it, or use it when they can get it.

Q. Was that included in your classification of the twenty percent of high school users that you mentioned on direct examination, the habitual users, or the ones that can get it, or is there a difference?

A. Well, when they can't get it, they don't use it. They only can smoke it when they have it. There are times that, that it is not available, marijuana is not available to them, but whenever they can get it, they smoke it. I would say [354] this is the ones that, this, these are the ones that I am including in the twenty percent.

Q. And state again the percentage of drug users from Corpus Christi in the secondary schools prior to 1969?

A. My guess would have been about fifteen, eighteen percent here.

Q. Is this a guess?

A. Of course this is a guess.

Q. Are all of these guesses?

A. Yes, they are guesses, but based on close association with many of these high school students who later become heroin addicts.

Q. How many high school students are there in the Corpus Christi Independent School District?

A. I don't know, it must be forty thousand.

Q. Is that also a guess?

A. That's purely a guess, I just—

Q. —Along with your twenty percent?

A. Yes, my estimate, and understand this, when I say a guess—

Mr. Pain: —Your Honor, would you instruct the witness to be responsive to the questions. If he wants to volunteer information, I would suggest that he do [355] so through his attorney.

Mr. De Anda: Just a moment, Judge, I believe the witness has the right to fully answer the questions, and he is using the word guess, and obviously the witness has given perhaps a different meaning to the word, guess, than Counsel gives it. I can appreciate what Counsel is trying to do, that it is something wholly conjectural and speculative, and I think the witness is trying to explain that by the use of the word, guess, as I gathered, that these are estimates that he makes based on the information that he has had made available to him through the years, and he has stated that, in effect, and I don't believe his answer would be unresponsive at all.

The Court: Well, I'm going to let him explain his answers on this kind of a question, because it is bound to have a certain amount of speculative aspects to it, and I think he, not being a user himself, or anything like that, why I am assuming he has had to make a judgment [356] based on information that he has gathered, or people he has talked to, and I am going to let him explain his answers.

By Mr. Pain:

Q. So you guess that there are about forty thou-

sand students in the secondary, secondaries, themselves, in the Corpus Christi Independent School District, is that correct?

A. This ~~is~~ just a guess, yes.

Q. What caused this increase starting in 1969, the increase in drug usage in the secondary school students in Corpus Christi?

A. My young friends who leveled with me, and I got quite close to a lot of these young addicts, and when they were convinced that I was the one who could help them get in the hospital, or would help them with the methadone program, which I had gotten started here, and who was concerned with them as a medical problem, and since I wasn't in the investigation or prosecution and so forth, they, many of them did level with me. And they told me that in the spring, the late spring of 1969, that there was a severe marijuana shortage here which had nothing to do with the operation on the border, that [357] this was not related, and that they, the customs and narcotics officers had knocked off some of the big suppliers in this area, and that they much preferred to use marijuana, but in the absence of marijuana, the heroin pushers came into the south side where the money was available, where they could afford to buy a daily supply of heroin. That they would use it instead of marijuana, that they did not intend to be hooked, in fact, would quit periodically to assure themselves that they could quit. And having done it a few times and convinced themselves that they could take it or leave it, until it was then too late, they would wake up one day to find they could not leave it alone any more.

Q. So the answer to the question would be—there was a marijuana shortage, and as a result of the void created by the shortage, the heroin pushers moved in, would that be accurate, an accurate rephrasing of the answer?

A. Yes, this is what a number of them told me.

Q. Now out of these forty thousand students in the Corpus Christi School System, how many did you interview?

A. About the prevalence of drugs in the high school, [358] I must have talked to a number of dozens.

Q. Four or five dozen?

A. I think so, yes.

Q. About sixty?

A. I don't think it would be too much of an exaggeration.

Q. Now if you, if we use your figure of twenty percent, and your figure of forty thousand, that would be about eight thousand users of drugs in the Corpus Christi School System?

Mr. De Anda: Now just a moment, Your Honor, I believe Counsel is, we are getting lost here. There are approximately forty thousand, I think forty-four thousand children in the school system of Corpus Christi, but that includes all grades, and I believe that when, when Mr. Vaught was testifying, that he was talking about the secondary schools.

The Court: That's right.

Mr. De Anda: And so I don't, I don't really see too much relevancy in all of this. It is interesting and I,

I, I think that the high school population, of course, is substantially less than the overall [359] population, so for whatever it is worth, if we are going to go into this, I think we ought to try to make it as accurate as possible.

Mr. Pain: That was what I was attempting to do with Mr. Vaught.

The Court: You asked him a general question about the whole school population and you—

Mr. Pain: —No, sir—

The Court: —when you got the forty thousand figure, your question was with regard to the school population, not just the high school population.

Mr. Pain: I did not intend that the question be that way.

The Court: Well, that was the impression that I got from it.

Mr. Pain: I don't know how it was taken, but my intention was to ask him the population of the secondary, the population of the secondary schools of the Corpus Christi Independent School District.

The Court: Well, clear it up, then, because that is the impression that I had.

[360] Mr. De Anda: That's the way I recall the question, Judge.

The Witness: And that is the answer I intended to give to that. What I mean, the whole school system, it was a guess at the entire population.

By Mr. Pain:

Q. What is the population of the secondary school system, studentwise, of the Corpus Christi Independent School District?

A. I really don't know.

Q. Could you estimate it?

A. I would think, I would guess ten thousand, nine thousand, perhaps.

Q. Okay, so if your figure of ten thousand, taking your figure of ten thousand in the Corpus Christi secondary school system, and your figure of twenty percent drug users, that would be about two thousand drug users or two thousand, five hundred drug users, if you included the heroin users, would that be an accurate rephrasement of your testimony?

A. I think that, that wouldn't be an exaggeration.

Q. Then you say interviewed about sixty of these students in the secondary high school [361] system?

A. Sixty heroin users.

Q. Oh, sixty heroin users?

A. Yes, these are the ones that come to me with their problems. Not the marijuana smokers.

Q. I think my question was, how many students did you interview during this period, how many secondary students did you interview during this period?

A. Oh, this period, in '69—

Q. —In arriving at your twenty percent.

A. Over the years—

Q. —In arriving at your twenty percent drug usage figure.

A. Here is another guess, I'd say a hundred, a hundred and fifty that I have talked to, students that I have talked to.

Q. During what period of time?

A. Oh, in the five years preceding last year.

Q. Well—

A. —I have made talks to classes, was asked to make talks to classrooms.

Q. So about a hundred and fifty, of the hundred and fifty that you have interviewed in the past five years, that would be about, roughly, [362] twenty-five a year, would that be correct?

A. Well, at least that many.

Q. And on the basis of interviewing twenty-five high school students, or secondary students per year, you arrived at the figure that twenty percent of the total sescondary population of Corpus Christi were drug users, is that correct?

A. Yes, uh-huh.

Q. Obviously some of your evidence had to come from hearsay from those students, is that correct?

A. Of course, in fact, that's where I got the information, from the students, and it made a difference which student I asked. I made allowances for that; the drug users' estimates, they were very high since their friends, their associates were, most of them would be users, and they had, would have the impression that not everyone, everyone in school was using it. When I talked to them, among that other group, then, this was very low, their estimates were very, very low, they knew of not too many that used

it. This would be an average, and a guess at an average.

Q. But from those that you talked to, you knew just [363] how many and which ones to rely upon to, in order to come up with a reasonably accurate figure, then, is that correct?

A. I had some very, very reliable information as to the users, and particularly if they admitted it to me.

Q. Now I think that on direct examination you testified that a certain percentage of the ones that dealt with you in your capacity as Probation Officer, turned out to be, turned out later to be good up-standing citizens, is that correct?

A. A majority.

Q. No, I said a certain percent, was that your testimony?

A. Yes, sir.

Q. What was that percent, I've forgotten, or did you—

A. —No, I didn't give a percent on that. I don't know, I couldn't give a percentage.

Q. Did you give a percentage as to the young people that you worked with in your capacity as a Probation Officer, whether or not they were drug users, who later turned out to be good, upstanding citizens of the community?

A. I gave a percentage of those that would complete [364] their, their probation subsequently, and many of whom I knew to go ahead and become useful citizens.

Q. I think your testimony was also to the effect that you see many situations concerning young drug users?

A. Uh-huh.

Q. And than had a worse problem that Reagan Logue did, is that correct?

A. I thought they were worse, yes.

Q. You had seen quite a few that had a worse problem than he had?

A. I think many of them were much more hostile, much more rebellious, that they were lacking in many of Reagan Logue's qualities, that did grow up and become useful citizens.

Q. Well, did you have many of them that you came into contact with in your capacity as a Probation Officer, that would be as involved with drugs as Reagan Logue was and still grew up to be good, substantial citizens?

A. I didn't handle very many that were involved at that age, at Reagan's age, that were involved as much as he was on the drugs.

Q. Compared to others, was Reagan involved more [365] heavily, or less heavily in drugs than most of your other people that you came into contact with as Probation Officer?

A. I'd say he was more involved, and particularly for his age. He was, for his age, quite heavily involved.

Q. Uh-huh.

A. In drugs.

Q. When did you become convinced that Reagan Logue was suicidal and was a danger to himself?

A. This was after a couple of interviews with him. The second one was quite long, we were together a couple of hours. And this was more of a strong feeling, and I had learned that there was some attempt

to, a previous attempt at suicide, they weren't sure, I mean fairly sure that it was an attempt at suicide, but I believe it was an overdose of sleeping pills, as I recall. But they thought very strongly that there was a possibility that this was an attempted suicide. And with the, with the feeling that I had gotten from the hours of talking to him, I thought that, and also the fact that he was very much disturbed, I thought that the boy should be in a hospital at least [366] for awhile.

Q. Mr. Vaught, the question was—when did you become convinced that he was suicidal?

A. Oh, when—oh, well, I don't remember the date at all, Mr. Pain. I think it was, it, it, it was before I had completed my pre-sentence investigation that I, that I had done—you have the pre-sentence date, the date of the pre-sentence investigation there, it would be in, within a few days prior to that, the date that that was written.

Q. And you told Blackie Bowers that Reagan Logue had a, quote, "Propensity to self-destruction," unquote, as I recall from your direct examination, is that correct?

A. Words to that effect, but that was obvious. I mean, he was in the hospital for that, but I told him anyway.

Q. Were you satisfied with the efforts of Marvin Foster and the Marshals, and perhaps the United States Attorneys in attempting to, and ultimately getting the Order of Commitment?

A. Yes, I was very satisfied with Blackie's efforts and his attitude; they were very gratifying.

Q. That was what you were after, an Order of [367]

Commitment, for Reagan Logue to be committed to a mental institution for studies?

A. Yes, I recommended that.

Q. That's what Judge Connally gave, wasn't it?

A. Yes, sir.

Q. Now you had a real fear that Reagan Logue was going to hurt himself if he were taken back to the jail, though, is that correct?

A. Yes. You see, this, this grew, this fear grew with the relations during these talks; that he, among other things, that he had a horror of imprisonment, and in subsequent talks, following my submission of the pre-sentence report, in the subsequent talks that caused me to be even more convinced that he was definitely suicidal.

Q. What is the role of a Probation Officer to a Federal Judge, would you explain the relationship?

A. The role in relationship to the Federal Judge?

Q. Yes, sir.

A. It is to provide and follow his orders and carry them out, and to provide him with the best possible information to make decisions on, and to, to see that his orders pertaining to probation is carried out, and to—

[368] Q. —Would it be inaccurate to say that you had a direct pipeline to a Federal Judge concerning possible, or people charged with crimes?

A. Always have complete access, yes.

Q. You felt like you could call a Judge at any time?

A. Any time, yes, sir.

Q. But yet, you didn't call Judge Connally in connection with this fear that Reagan Logue might have hurt himself if he were transferred from the hospital to the jail?

Mr. De Anda: Your Honor, just a moment, I want to object to that question; first of all, because there is no pleading here of any kind that Mr. Vaught, they blamed everybody but Mr. Vaught up to now for this, either in the pleadings or in their interrogation, they have no pleading, and they have made no assertions that Mr. Vaught was negligent in any way. And I don't see the relevancy of this line of inquiry. Mr. Vaught has testified as to what he actually did, and as to the information he conveyed. I don't see the relevancy of what he did not do, that would [369] concern anyone other than the Marshals, putting the Marshals on notice. So I don't see the relevancy of this, this line of questions to Mr. Vaught at all, as to why he didn't call the Judge, or why he didn't do something else.

Mr. Pain: The Marshals and others have been charged with negligence; this negligence, in their complaint, is imputed to the government. What we are attempting to show is that they were not negligent, and by definition, sometimes you have to throw a little bit of negligence over on somebody else, if there was anyone else negligent.

Mr. Bowers: May I further respond to that as well? I think one of the thrusts of our questioning here is that in this instance we are trying to establish from the conduct of all the government people with, including Mr. Vaught, and the others, that they were the acts of reasonable and prudent persons. Now our line of questioning goes to show that Mr. Vaught, even with his experience in this, in these

[370] lines, did not think it important enough to get into contact with the persons who would have the authority to deal precisely with this matter, even in view of his long experience, and therefore, the acts of the other people involved were equally as reasonable. And it is not a question of trying to show negligence on his part at all, it is just showing that the people were acting sensibly in this thing, there was no negligence.

Mr. De Anda: If it is the government's contention that Mr. Vaught was negligent and brought this about, I would like to amend my pleadings, because the government is liable for Mr. Vaught in his line, as it is for the Marshal himself.

The Court: I am not going to admit it for that purpose. I am going to admit it because it reflects on how serious he thought the situation was, I think.

Mr. Bowers: That's precisely our line of—

The Witness: —What is the question, do you recall?

[371] The Court: You might read the question again, if you will, please.

(The following question was read back by the Reporter and is as follows: "But yet, you didn't call Judge Connally in connection with this fear that Reagan Logue might have hurt himself if he were transferred from the hospital to the jail?")

By Mr. Pain:

Q. Would you answer the question, please, sir?

A. I did not call Judge Connally. One reason was I had learned he had already issued an Order committing him to the Springfield Hospital, and two, I had no occult powers, I could not tell Judge Connally, he would surely deny it, I did not have the advantage of hindsight. If I had known that he was going to kill himself that night, I would have spent the night or the day [372] in the cell with him.

Q. It wasn't very foreseeable that he would hang himself with the bandages, was it?

A. I had a very strong—

Mr. De Anda: —Hold on, hold on, it wasn't foreseeable, that's a matter for the Court to determine based on all the evidence.

The Court: Right, right, that's right.

Mr. Pain: Did you foresee that he might hang himself with a bandage, with the bandages?

Mr. De Anda: Well, I'm going to object—

The Court: —I think that foreseeing, that gets into the sort of thing that—

Mr. Pain: —It is an ultimate fact issue that will event to each individual that might have any thoughts about the matter.

The Court: Foresee is not the right word. I, I am going to sustain the objection as to the use of the

word, foresee, foreseeability. If he, in his own mind, thought he might, that's something else again, but foreseeability, that's, that's too much within the province of the Court.

Mr. Pain: Did you warn anyone that Reagan [373] Logue might hang himself with the bandages on his arm?

The Witness: I —

Mr. De Anda: —Just a moment, I don't think there is any testimony that Mr. Vaught even knew that the man had bandages on his arm, or what kind of a cell he was in, or anything about this, there's been no predicate laid for it.

The Court: I think that is, I don't believe you have laid a predicate for that.

By Mr. Pain:

Q. You did write a pre-sentence investigation on Reagan Logue, did you not?

A. Yes, it was limited in, to the latter part of his life.

Q. To what?

A. To the latter part of his life. In fact, the last four years of his life.

Q. Do you recall the contents generally of that pre-sentence investigation report?

A. No, I haven't read it in two years. Someone got my copy, some agent borrowed my copy, someone in

the government got my copy, and I haven't had access to it since then, but—

[374] Q. —All right—

A. —whatever is written there, I will not deny.

Q. I will show you this document here and then see if this is, refreshes your recollection as to whether or not the four or five pages constitute the pre-sentence investigation that you wrote on Reagan Logue.

A. (Looking at instrument) Yes, that, that appears to be, to be the copy of it. That might even be my copy, I, I don't know.

Q. Now what caused you to write this pre-sentence investigation report?

A. The request of Mr. Henry Griffin, the U.S. Probation Officer in Austin, Texas.

Q. And this was on the charge out of Austin, is that correct?

A. Yes, uh-huh.

Q. A misdemeanor charge?

A. Yes, sir.

Q. And the charge was possession of amphetamines, is that correct?

A. It seems LSD, as I recall, now I could be wrong again.

Mr. De Anda: Your Honor, if I can anticipate something that may happen here, I [375] have not seen that report and the witness said it was a four or five page report, or the government did, but they gave me no indication they were going to offer it and use it, and I have no objections to its use, but I do feel that, that one that lengthy, if, if he

is going to take communications out of it, that perhaps it would be more beneficial to have, to give the witness and I an opportunity to read it and see what it contains.

The Court: If you haven't seen it, why certainly you are entitled to, if you are going to use it in your examination of this witness.

Mr. Pain: Yes, sir, Your Honor. May I suggest that we make copies of it right now and give it to him?

The Court: That will be fine. How long will it take you?

Mr. De Anda: I don't know long long, it's four or five pages, but I would like to browse through it. I don't think it will take me over five or ten minutes.

The Court: Let's recess until 3:00 o'clock [376] and that will—

Mr. De Anda: —All right—

The Court: —give you a chance to have it copied and go over it, and then we will reconvene at 3:00 o'clock.

Mr. De Anda: Thank you, Judge.

Mr. Pain: Thank you.

(After a short recess, Court reconvened in the above entitled and numbered cause, all parties present and presiding as before and the following proceedings were had, to-wit:)

The Court: Please be seated.

Have you-all had the time you need, Mr. De Anda?

Mr. De Anda: Oh, yes, sir. I sure did. Thank you very much, Judge.

The Court: You may proceed, Mr. Pain.

[377] By Mr. Pain:

Q. Mr. Vaught, have you had an opportunity to examine the document I handed you a few moments ago?

A. Yes.

Q. Is this an accurate copy of the pre-sentence investigation report that you prepared for Judge Roberts in Austin?

A. Yes, sir.

Q. Would you read the first paragraph of Page 3 of that particular report?

Mr. De Anda: Your Honor, I'm going to object to his reading from any part of the report as being rank hearsay, or based on hearsay. He can ask him about times and some occasions, he can if there is any, but the only reason, I suppose, that he could introduce any part of that report would be to impeach the witness, if he said anything on the stand that was inconsistent with its contents. And he can interrogate, would be able to interrogate for that purpose, but just as far as reading part of the report into the record, I don't think it is admissible for [378] any purpose whatsoever.

Mr. Pain: Your Honor, I think it would have a bearing upon his direct testimony, possible impeachment of it, and in addition to that, the, the Plaintiff's Counsel went into the fact that Mr. Vaught prepared a pre-sentence investigation on Reagan Logue, and this is going to bring it out a little more. If he wants to, he can offer the particular report into evidence, but I think that there are portions of this that would be relevant to the case at hand, and should be read into the, into the record.

Mr. De Anda: Your Honor, the mere fact that he offers me a right to offer inadmissible evidence is not a cure to his inadmissible evidence, and I have no intentions of offering it at all.

Mr. Bowers: If it please the Court, I think it is further important that the witness has testified on direct examination about the probability of the rehabilitation of Mr. Logue. This goes to the damage issues, the probability of future earnings, and I believe the report does contain [379] inconsistent statements which are the writings of this witness, inasmuch as he testified to these opinions, and I think we are entitled to show the consistent statements and inconsistent statements, parts of it, by way of impeachment.

The Court: Well, it's kinda hard for me to see how a report that can be used by a Judge in sentencing a man to the penitentiary, which relates to his background, should not be admissible, admissible—

Mr. De Anda: Your Honor—

The Court: —in this sort of a hearing because we are concerned with his background.

Mr. De Anda: Yes, sir, Judge, that would be right and I think that there, there are appropriate means of showing the youngster's background that are, would not deprive me of my right of cross examination or to determine the sources, but to give the government a blanket authority here to go into a report that contains, as pertains to Reagan Logue, and not—we might talk in the field of expertise, to things in general that are generally [380] based on hearsay, such as statistics and that sort of thing, but we, we are talking about Reagan Logue, and insofar as any statements that are in that report, they are obviously based on hearsay or, hearsay, or the report says, "So and so told me this," and I don't think that that would be, while it might be something the Court could consider because the Court can consider anything, and there are no rules of evidence as far as sentences goes, you can go to any source you want to to assess a sentence, and the Probation Officer can, too, but insofar as the damage suit, a damage suit is concerned, there are some limitations in the rules of evidence that do not govern presentencing investigations, and I, I want to point this out to the Court.

The Court: I realize that, but I, I am going, I am going to do this—I am going to admit the report, I am going to admit it for this reason only—I'm not going to take the time to try to pick out the parts, I am going to admit the report to [381] the extent

that it is necessary for them to use to impeach anything that the witness may have said on the stand, which is in, which he contradicts in that report. I am not going to admit it for any other purpose.

Mr. De Anda: All right, in other words, you will let them refer to the report as far as it might impeach his testimony?

The Court: That's right.

Mr. De Anda: Limited to that purpose, and insofar as impeaching his testimony, I think it is proper.

The Court: You may proceed.

By Mr. Pain:

Q. Would you please refer to Page 3 of the second paragraph, and again, before you read that, I will ask you if this was, this report was prepared by you?

A. Yes, sir.

Q. And this reflects the results of your investigation of Reagan Logue, is that correct?

A. Yes, sir, uh-huh.

Q. Would you read the second paragraph of Page 3?

A. "For most of the previous year, Logue had been [382] one of the major suppliers of marijuana and narcotics to high school students in Corpus Christi. Among his associates in this traffic were co-defendants Wilkerson, Gill, and Ennis."

Mr. De Anda: Your Honor, may I take the witness

on voir dire to ask him just simply what the source of this information is, whether he obtained it from Reagan Logue or whether it was obtained from some other source.

The Court: I will permit that.

Mr. Pain: All right.

The Witness: From other sources.

Mr. De Anda: All right, I would, again, in view of that, Your Honor, reiterate my objection, that this is all rank hearsay, that it is prejudicial and improper, and deprives me of the right of cross examination of these sources. And it is not really admissible for any purpose.

The Court: Let me ask the witness a couple of questions. Did you ever ask Reagan Logue about supplying others with marijuana?

[383] The Witness: We talked of the extent of his activities, but not, I don't recall asking him about supplying the high school students, and we did not discuss it at any length. He denied having any involvement in much marijuana activities in this area.

The Court: But your inquiry from him was very limited, it was with regard to this particular phase of your report?

The Witness: Yes, because he had previously denied that he did not deal, just to a limited extent in marijuana, and was more of a user than a seller.

The Court: What is the contradictory testimony that contradicts that report, that part of the report?

Mr. Pain: Your Honor, as I recall his direct testimony, he testified that as an expert, and in his capacity as Probation Officer, that he felt that there was a very good chance that Reagan Logue would develop into a fine, upstanding citizen, and it is, I think that this is inconsistent with that.

[384] The Court: Your position is that, with that kind of knowledge that—

Mr. Pain: —It is just inconsistent with his direct testimony.

The Court: Inconsistent with his testimony—

Mr. Bowers: —The purpose of this is to show the knowledge that this gentleman had at hand, and not for the exact truth of it—

The Court: —I will admit it for that purpose.

Mr. De Anda: Your Honor, let me just add this to the request—my memory, and perhaps the Court's, is that this is not inconsistent with his testimony at all. Mr. Vaught stated that, in the interrogation and cross examination, that, that Reagan Logue was, was a more extensive user or participant in narcotics, from his information, the information that he had, than these other people, and he also testified, of course, that in his opinion, and his opinion was based not on this report but on many conversations which

he [385] had with Reagan Logue subsequent to the fact, to this report. And that there had been absolutely nothing in that statement that would be inconsistent with what he has testified to. In fact, it's consistent with it, in that he has testified that Reagan Logue was a more extensive user and more extensively involved in narcotics than most youngsters his age, I believe that is his testimony, and—

The Court: —I think that is true, Mr. De Anda, but with this information, from other sources, and not inquiring of Mr. Logue with regard to it, it seems to me to effect the validity of any opinion that he might have with regard to his rehabilitation.

Mr. De Anda: All right, sir.

By Mr. Pain:

Q. Would you turn to Page 4 and read the last paragraph therein, please, sir?

A. "School officials, as well as the police, knew that Logue was involved in an extensive marijuana and narcotics operation in the local [386] high schools, and for other reasons, they were extra glad that Logue graduated but not happy for Logue."

Mr. De Anda: How in the world does that statement impeach anything that this witness has said? Now that's just trying to prejudice the Court in this case, and it is highly inflammatory.

The Court: I don't see any relevancy to that and I will sustain that, and that will be stricken.

By Mr. Pain:

Q. Would you now, I notice on Page 6, that there is a summary, is that correct?

A. Yes, there is.

Q. And the purpose of the summary is to generally summarize for the benefit of the Court reading it for sentencing purposes, to give him a brief synopsis of the, of the prior portions of the report, is that correct?

A. Right, uh-huh.

Q. Would you read the last sentence of the first paragraph of the summary?

A. The sentence in the first paragraph—"His involvement in drug traffic has been extensive [387] and his attitude apprehensible leaving little to warrant consideration of leniency."

Q. In view of what is written in this pre-sentence investigation report by yourself, are you still of the same opinion, that Reagan Logue had a very good chance, or had a good chance of becoming and developing into a good, upstanding citizen of the community?

A. When this was written I, I had a somewhat different opinion than what I had of Reagan after talking to him for many hours subsequent to this. It was subsequent discussions when I found out about Reagan. At the time this was written, this is what, what I had learned, the way I felt about him, though he was not uncooperative.

Q. What is the date of this report?

A. May the, May the 6th.

Q. What year?

A. 1968.

Q. Just a few weeks prior to his death?

A. Yes, but in those weeks, when he would come into my office and make, we would have these long and very serious to him, very serious discussions.

[388] Q. Did you make any amendment to this report to Judge Roberts as a result of your subsequent conversations with Reagan Logue?

A. No, but I didn't, I did intend to supplement it.

Q. But you didn't do it?

A. Well, for obvious reasons he never was sentenced.

Q. Do you remember, do you know, do you know, do you remember the date that Reagan Logue was to be sentenced before Judge Roberts?

A. No, I don't remember.

Q. Does May the 23rd, 1968, refresh your recollection?

A. No, I don't, I, I, I thought it was in June, I'm thinking of June the 6th.

Mr. Pain: We will pass the witness, Your Honor.

The Court: Mr. De Anda?

[389] REDIRECT EXAMINATION

By Mr. De Anda:

Q. Just one or two other questions, Mr. Vaught, the office of—well, let me ask you this—the matter has come up as to, in one, in one of the statements that was admitted, there was a statement to the effect that perhaps you did not press Reagan Logue

as to his involvement in narcotics, especially as pertains to these other young men that are mentioned—

A. —Uh-huh.

Q. Do you, why, why was that, why did you not press it?

A. This, first was his, first was his general denial, and second, because I had a stack of affidavits from other students who, which I thought was sufficient for my purpose.

Q. All right, in other words, your purpose was not to convict or conclusively prove to Logue what information you might have, but your purpose was to let the Judge know?

A. Right.

Q. And would it be prudent to let a person like Reagan, under those circumstances, perhaps [390] divulge to him the information that you had from other people and this sort of thing?

A. No, I did not tell him of the affidavits.

Q. Customarily, would you do such a thing in any circumstances?

A. No, I would not.

Q. Now during the course of your conversations with Reagan, both before and subsequent to the report, what was his feelings towards his adopted father, if he had any, did he express any feelings to you about him, or were you able to make any judgment as to how he felt about Mr. Logue?

A. Oh, I felt there was mutual respect and genuine concern on the part of Mr. Logue for Reagan. I thought he did the best that he knew to do, and I, I think that the relationship was more of respect

than the deep meaningful relationship between a parent and—

Q. —I'm talking about what Reagan told you, I am confining my comments to what Reagan told you.

A. About Mr. Logue?

Q. Yes, sir, from what Reagan told you, did he, did he love his adopted father?

[391] A. Yes, I think it was a deep and abiding respect for Mr. Logue.

Q. All right, how about his mother?

A. I thought he was closer to his mother. I thought he was, even though in that there was some deficiencies, there was some deficiencies in the quality of the entire personal relationship.

Q. All right.

A. Probably because of the history of the emotional instability.

Q. Did he ever express anything about his mother because of his involvement in these criminal matters?

A. Oh, yes, and his first request to me was that I not contact her about this matter, and I respected it; therefore, you will notice there is nothing in this report prior to the age that Reagan and Mr. Logue had helped me with.

Q. But he asked you not to talk to his mother about it?

A. Yes.

Mr. De Anda: I believe that's all, thank you very much, Mr. Vaught.

Mr. Pain: I have no further questions, Your Honor.
[392] The Court: You may step down, Mr. Vaught.

WITNESS EXCUSED

(Discussion held off of the record.)

Mr. De Anda: Your Honor, I would like to read into the record, this was provided to me by the Government's Counsel, it is from the daily log of the Marshal's office as completed by Mr. Del W. Bowers, Jr., the Deputy Marshal that we have been talking about here. And it shows that—the only thing that I was interested in, (indicating to Counsel for the Government) that is on May the 24th, 1968, Mr. Bowers went to Memorial Hospital, arriving at 3:15, is this the time he arrived at the hospital or where, I guess that would be it?

Mr. Pain: Apparently so.

Mr. De Anda: Arriving at 3:15, leaving at 3:45, and it can only be P.M., from the 8:00 A.M. to 4:00 P.M., at Memorial for the purpose of readying a prisoner for [393] transfer to jail, and then from making a trip to the Nueces County Jail, arriving at the jail at 4:00 P.M., and leaving at 4:45, to commit Logue to Nueces County Jail, and instructing jail personnel as to the, as to security for the above prisoner. I just thought that rather than introduce this, I would just read that portion of it into the record.

The Court: What were those dates again?

Mr. De Anda: Beg pardon?

The Court: What were the dates, I mean the times?

Mr. De Anda: The time arriving at Memorial Hospital was 3:15 P.M., and leaving Memorial at 3:45 P.M., and arriving at the Nueces County Jail at 4:00 P.M., and leaving the Nueces County Jail at 4:45 P.M., on May the 24th, 1968.

The Court: All right, that's fine.

Mr. Pain: Your Honor, that particular document that he is referring to is attached to the deposition of Del W. Bowers, which will be introduced into evidence.

Mr. De Anda: Oh, I forgot about that, you [394] are going to offer it anyway?

Mr. Pain: Yes, I will offer it.

Mr. De Anda: All right, sir, we have also stipulated, again, to save a little time here, on life expectancy. Mrs. Blouin testified, I believe, that she was thirty-eight years of age, and according to the Health, Education and Welfare Life Expectancy Tables, a person thirty-eight years of age has a life expectancy of thirty-five point nine years; and a person fifty-four years of age, which I believe Mr., was Mr. Logue's testimony, has a life expectancy of twenty-two point three years.

Mr. Pain: We have no objections to that.

Mr. Bowers: We want it understood, Your Honor,

that the stipulation does not mean that we are necessarily stipulating that that would be the life span of these particular individuals, that is merely a—

The Court: —I understand it is just, it is just—

Mr. De Anda: —It's just a person, Judge, that's all.
[395] The Court: That's right.

Mr. De Anda: Judge, I believe I am going to rest. If I might just look through my notes here to be certain—

The Court: Go ahead.

Mr. De Anda: To look and see that I don't have anything else— (Looking through instruments)

There are certain admissions of fact in the Pre-Trial Order, as well as the Defendant's Contentions, and I don't think, I don't think I need to formally introduce those in evidence. They are before the Court and I think they are, that his contentions are before the Court, so I don't believe it is necessary for me to do so, and so just to save time, because I believe it does narrow the issues down, and so at this time, Your Honor, the Plaintiffs rest.

The Court: All right.

PLAINTIFFS REST

[396] The Court: Is the Government ready to proceed?

Mr. Pain: Your Honor, at this point I would move the Court for a Judgment of Dismissal, Judgment for the Defendant, for the fact that the Plaintiff has not shown a prima facie case against the Defendant. This is, as you are aware of, a Tort Claims case, and the Tort Claims Act states that the Plaintiff must show, by a preponderance of the evidence, negligence on the part of an employee of the United States, acting within the scope and course of his employment. Now apparently about the only employee of the United States that he has any chance of pinning any negligence on was Deputy Marshal Bowers, in taking the boy from the hospital to the jail. Now as the prior evidence indicates, well, before I get to that, and as you are probably aware of, and I think the record will reflect, Mr. Bowers is now deceased, having passed away about two or three months ago, therefore, the reason for his [397] non-presence here. Now he has not shown, shown any negligence on the part of Mr. Bowers. I think it stems around the fact of the boy's transfer from the hospital to the jail, he is alleging that there was negligence as a result of the boy being taken from the hospital to the jail, and as a result of that negligence, there was, the hanging occurred, and the damage to the Plaintiffs. Now the negligence, if any, which may have been attributed to the United States, must have been by Deputy Marshal Bowers, and that must have been surrounding the particular transfer, or the taking from the hospital to the jail. It also is, there is our issue of

negligence which will also center around whether or not a doctor released him.

Now I would invite the Court's attention to the deposition of Dr. Shannon Gwin—

The Court: —Mr. Pain, this is before the Court, and I am not prepared at this point to sustain a Motion to Dismiss at the close of the Plaintiff's case. I [398] will carry it along and I am sure that there will be questions of law that will have to be argued before a final decision is made anyway. If the Government would like to furnish me with some cases that pertain particularly to the points that you might make, I will be glad to consider them, but I think I will just carry it along and let's go ahead with your testimony.

Mr. Pain: All right, sir. We will call Mr. Robert May.

The Court: Mr. De Anda—

Mr. De Anda: Yes, Your Honor—

The Court: —If you don't mind—

Mr. De Anda: —Pardon me, I'm sorry.

The Court: You haven't been sworn yet? Swear him and then I want to ask him a question.

Mr. De Anda: All right, sir.

(Oath administered to the witness by the Deputy Court Clerk.)

The Court: Come around and have a seat over here.
[399] You wouldn't mind at the conclusion of this afternoon, if you would leave with me the citations that you rely upon to establish your position as far as your prima facie case is concerned, if you would, I would appreciate it.

Mr. De Anda: Yes, sir, Judge, but there's one other problem here. Is this the witness that you wrote me a letter on?

Mr. Pain: Uh-huh.

Mr. De Anda: I don't believe he is on the witness list here.

Mr. Pain: Isn't he?

Mr. De Anda: May—May I just have a second here to talk with Counsel here?

The Court: All right.

(Discussion held off of the record.)

Mr. Pain: Your Honor, through inadvertence, I failed to put this particular witness on my list of witnesses in the Pre-Trial Order, and that was it.

Mr. De Anda: He was mentioned in Mr. Bower's deposition, Judge, the name just didn't ring a bell with me.

[400] The Court: Do you, you have no objections, then?

Mr. De Anda: No, I don't.

ROBERT W. MAY,

was called as the first witness on behalf of the Government, first being duly sworn to tell the truth, the whole truth, and nothing but the truth, testified as follows, to-wit:

DIRECT EXAMINATION

By Mr. Pain:

Q. Would you state your name, please?

A. Robert W. May.

Q. How are you employed?

A. As Special Agent with the United States Customs.

Q. Where are you stationed?

A. At Corpus Christi.

Q. How long have you been such a Special Agent?

A. I've been a Special Agent since March of last year.

Q. March of 1970?

A. Yes, sir.

Q. How were you employed in May of 1968?

[401] A. I was Customs Port Investigator here in Corpus Christi.

Q. Did you have the occasion to remember the facts

surrounding an arrest that you made with one Del W. Bowers in May of 1968?

A. Yes, sir.

Q. Do you remember the date?

A. Not the day of the month, no, sir.

Q. What were the circumstances surrounding that, how did you first become acquainted with the—

A. —Mr. Bowers called our office asking assistance in making an arrest on a warrant.

Q. What kind of assistance did he need?

A. He was the only, at the time he said, he said he was the only Deputy Marshal here and he wanted someone to go along with him to make the arrest.

Q. I see, and who was the person to be arrested?

A. Reagan Logue.

Q. Do you recall where Reagan Logue lived at the time?

A. Not the address, no, sir. It was here in Corpus Christi on the west end.

Q. All right, did you go with Deputy Marshal Bowers as requested?

[402] A. Yes, sir.

Q. Was anyone else with you?

A. Another Customs Port Investigator, Carlos Valverde.

Q. And the three of you went to Reagan Logue's house?

A. Yes, sir.

Q. What occurred when you arrived there?

A. Well, Mr. Bowers knocked on the door and announced his purpose there.

Q. And what is the purpose that he announced?

A. To arrest Reagan Logue on a bench warrant

that had been issued out of, I believe it was Laredo District.

Q. Who answered the door?

A. I'm not sure, but I think his mother came to the door, and he asked for Reagan, and then Reagan came to the door.

Q. Was it a lady that answered the door?

A. Yes.

Q. About how old was she?

A. Oh, probably around forty, forty-five, somewhere along in there.

Q. At this point in time, there was you, and Deputy Marshal Bowers, and Mr. Valverde at the front [403] door, is that correct?

A. Yes, sir.

Q. All right, what occurred after Mr. Bowers asked the lady about Reagan Logue?

A. He came to the door without a shirt on and Bowers stated the purpose for us being there, and we entered the house, then, for the purpose of allowing Reagan to get a shirt out of his room.

Q. Who went into the house?

A. All three of us went into the house, Deputy Bowers, and myself, walked back with Reagan toward his bedroom, and Carlos Valverde stayed near the front door.

Q. Why did you go back with Deputy Bowers to his bedroom?

A. Just to accompany him. Mr. Bowers had information that he probably, he might have trouble arresting the fellow, the young man.

Q. Well, why did the boy go back in the bedroom, to get a shirt?

Supreme Court of the United States

No. **72-636**

Orval C. Logue, et al.,

Petitioners,

v.

United States

ORDER ALLOWING CERTIORARI. Filed January 8 -----, 19 73.

The petition herein for a writ of certiorari to the United States Court of Appeals for the **Fifth -----** Circuit is granted.